



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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## Executive Office for Immigration Review

### Hundreds show up for immigration-court hearings that turn out not to exist

[Washington Post](#) [1/31/2019 4:39 PM, Maria Sacchetti and Francisco Alvarado] reports hundreds of immigrants carrying official notices ordering them to appear for deportation hearings showed up in at courthouses across the country Thursday, only to discover that the hearings had not actually been scheduled. Immigrants stood in long lines in San Francisco, packed the immigration court in Arlington, Va., and battled traffic in Miami before



court officials turned them away. Similar confusion erupted on Oct. 31, when hundreds of immigrants turned up for court nationwide and were told they did not have hearings scheduled. Immigration lawyers said the "fake dates" were issued by the Trump administration after a June U.S. Supreme Court ruling that said all notices to appear in immigration court must include a date, time and location. The Department of Homeland Security's border and immigration agencies — which routinely give hearing notices to immigrants — began issuing notices with dates and locations provided by the Justice Department's immigration courts, officials said. DHS is supposed to also file the notices with the courts, and immigrants should then receive written notices in the mail once their real hearings are scheduled. But in hundreds of cases, lawyers and officials said, DHS never filed formal charges, so the hearings were never scheduled — adding to the confusion in a court system that faces a historic backlog of more than 800,000 cases.

The American Immigration Lawyers Association said it received reports this week of more than 1,000 incorrect dates being issued to immigrants in Arlington, Atlanta, Dallas, Miami, Omaha, San Diego and San Francisco. Hearings were also scheduled in Buffalo and Chicago, but those courts were shuttered because of bad weather. The episode renewed calls for the courts, which are run by the Executive Office for Immigration Review, to be separated from the Justice Department. EOIR spokeswoman Kathryn Mattingly issued a statement saying that DHS now has access to the court's electronic case-scheduling system and that "EOIR does not expect any further recurrence of this type of situation." The office said the recent, record-long partial government shutdown was the reason some cases ostensibly assigned for Thursday were never scheduled. In other cases, it said, DHS did not file the proper charges in time. Immigration and Customs Enforcement spokeswoman Jennifer Elzea attributed filing delays largely to the government shutdown and said, "All appropriate parties are working together to resolve this issue going forward."

### **Courts turn away hundreds of immigrants, blame shutdown**

[Washington Post](#) [1/31/2019 5:35 PM, AP, Jennifer Kay and Adriana Gomez Licon] reports that the already backlogged immigration courts faced more hurdles Thursday when hundreds of immigrants arrived with government-issued notices to appear in court for hearings that were never scheduled. U.S. immigration officials blamed the government shutdown and the extreme winter weather for the confusion about immigration court hearings. The part of the Justice Department overseeing immigration courts said some immigrants with notices to appear Thursday would not be able to proceed with those hearings. In Miami, immigrants from Honduras and Guatemala who recently requested asylum in the United States arrived to a glass downtown court building only to be turned away by court personnel. They were told they were not scheduled to appear, contrary to what their government-issued document said. Similar backlogs have occurred nationwide since a recent U.S. Supreme Court ruling said that under the law notices given for immigrants to appear in court need to include a time and date. Before that June ruling, the Department of Homeland Security would issue undated notices, and the Executive Office for Immigration Review would set the hearings. In an emailed statement, the [Executive Office for] Immigration Review office said the shutdown prevented immigration courts from issuing new hearing notices. Weather-related closures of several courts on Tuesday and Wednesday also slowed the agency's processing of cases. The agency also said in some cases, courts didn't receive the required paperwork. The agency said the weather contributed to the crossed signals. However, the American Immigration Lawyers Association said at least some of the confusion rested with the Department of Homeland Security for issuing notices with "fake times and dates" simply to meet the requirements of



the Supreme Court decision. Separately, Immigration and Customs Enforcement said the overflow of hearings scheduled Thursday had been expected due to the shutdown.

### **New wave of 'fake dates' cause chaos in immigration courts Thursday**

[CNN](#) [1/31/2019 10:15 PM, Catherine E. Shoichet, Angela Barajas and Priscilla Alvarez] reports more than 1,000 immigrants showed up at courts across the United States on Thursday for hearings they'd been told were scheduled but didn't exist, a lawyers' group said, as the Justice Department struggles with an overloaded immigration court system and the effects of the recently ended partial government shutdown. Immigration attorneys reported that lines wrapped around the court building in San Francisco, a line stretched for blocks to get into the court in Los Angeles and hundreds of people waited outside the court in Newark, New Jersey. Thursday's problems are the latest example of US immigration authorities issuing a large number of inaccurate notices ordering immigrants to appear at hearings that, it later turns out, had never been scheduled. Lawyers first told CNN last year that they'd observed a wave of what they call "fake dates" pop up. For instance, lawyers reported examples of notices to appear issued for nonexistent dates, such as September 31, and for times of day when courts aren't open, such as midnight. "The immigration courts have reached a new crisis point," said Laura Lynch, senior policy counsel for the American Immigration Lawyers Association. The group said it tracked over 1,000 people showing up in courts Thursday with inaccurate hearing notices. The Executive Office for Immigration Review, the division of the Justice Department that runs the immigration courts, said the weather and government shutdown were partially to blame. The office "was unable to proceed with hearings for some respondents who believed they had hearings scheduled," the Justice Department said in a statement. "In some cases, the cases had been rescheduled to another date, but the lapse in appropriations prevented the immigration courts from issuing new hearing notices far enough in advance of the prior hearing date."

President Donald Trump has repeatedly criticized the nation's immigration system, specifically taking issue with the practice of releasing immigrants while they await their court dates. To remedy that, his administration has sought to hire more immigration judges in the hopes of unclogging the court. But that has not happened -- there are 409 immigration judges nationwide but nearly 80 vacancies -- and the number of cases continues to grow. For years, the number of pending cases has been slowly creeping up, as more are added to the docket than can be addressed at any given time. There are more than 800,000 cases pending, according to the Syracuse University's Transactional Records Access Clearinghouse. Judge Ashley Tabaddor, the president of the National Association of Immigration Judges, described judges in Los Angeles coming back this week to boxes filled to the rim with mail that had piled up over the course of the 35-day partial government shutdown. "What this does is it adds greater delay to the cases. We were shortchanged five or four weeks of time," Tabaddor told CNN. "Not only were we not able to hear cases that were previously cases that were scheduled, but it's going to take time to regroup." The US Supreme Court ruled in June that notices to appear -- the charging documents that immigration authorities issue to send someone to immigration court who's accused of being in the United States illegally -- must specify the time and place of proceedings in order to be valid. Immigration and Customs Enforcement spokeswoman Jennifer Elzea said officials have been working to comply with the court's requirements for notices to appear, but the lapse in funding during the partial government shutdown had delayed those administrative efforts. "All appropriate parties are working together to solve this issue going forward," she said. In its statement Thursday, the Executive Office for Immigration Review said it had issued policy guidance in December and modified its system so the Department of



Homeland Security and its components can directly schedule hearings. The agency said it "does not expect any further recurrence of this type of situation."

### **ICE told hundreds of immigrants to show up to court Thursday — for many, those hearings are fake**

[CBS News](#) [1/31/2019 10:39 AM, Kate Smith] reports ICE agents told hundreds of immigrants to show up to court on Thursday or risk being deported. But lawyers say many of those hearings won't happen because the dates ICE provided are fake. Immigration attorneys in Chicago, Miami, Texas, and Virginia told CBS News their clients or their colleagues' clients were issued a Notice to Appear (NTA) for hearings scheduled Jan. 31. The attorneys learned the dates weren't real when they called the courts to confirm. ICE is required to include court dates with court notices, per a Supreme Court decision last summer, but most don't actually reflect scheduled hearings. The American Immigration Lawyers Association issued a "practice alert" on Tuesday evening, warning members "the next upcoming date on NTAs that appears to be fake is this Thursday." On Wednesday evening, the Executive Office of Immigration Review, the body that oversees all the immigration courts, instructed all attorneys with a January 31 NTA "to confirm the time and date of any hearing." In a statement Thursday morning, an ICE spokesperson said the agency was working with the Department of Justice "regarding the proper issuance of Notices to Appear." The spokesperson said the government shutdown "delayed" that process, "resulting in an expected overflow of individuals appearing for immigration proceedings today/January 31."

The fake notices stem from a Supreme Court ruling last summer. Prior to the decision, ICE officials used to send immigrants NTAs with date listed as "TBD" - or "to be determined." One effect of this: The NTAs could block an immigrant's eligibility for "cancellation of removal," a legal residency status granted to some undocumented immigrants after 10 uninterrupted years of living in the U.S. A Supreme Court ruling last summer — *Pereira v. Sessions* — banned the practice, requiring all appearance notices to use actual dates. However, systems weren't in place for ICE to see the court's schedule, so ICE issued fake dates instead. Immigrants were instructed to appear on weekends, midnight, and dates that just didn't exist, like Sept. 31, multiple attorneys told CBS News. On October 31, hundreds of immigrants received phony NTAs. They showed up to court for non-existent hearings to find "extraordinarily long lines," according the recent alert from the immigration lawyers' organization. The problem became so pervasive that on Dec. 21, the Executive Office of Immigration Review issued a rare policy memo telling ICE agents and DHS that courts would "reject any NTA in which the date or time of the scheduled hearing is facially incorrect."

### **Immigrants drove hours for fake, ICE-issued court dates on Thursday**

[CBS News](#) [1/31/2019 5:01 PM, Kate Smith] reports fearing deportation if they didn't show up, immigrants across the country traveled to ICE-issued court dates on Thursday only to find out those hearing dates were fake. Some traveled for hours and hundreds of miles for nothing, resulting in what one attorney called "mass chaos" at courthouses around the country. Immigration attorneys told CBS News that there was confusion, crowds and long lines at immigration courts around the country on Thursday morning. ICE agents had issued thousands of Notice to Appear documents — essentially a court summons for immigration court — telling immigrants to appear in court or risk permanent removal from the U.S. It wasn't until hundreds of those people arrived at court Thursday morning that they realized



those dates weren't real. "It's mass chaos," said Ruby Powers, a Houston-based immigration attorney, in a telephone interview the CBS News. "These courts are already short staffed trying to clean up from the government shutdown's mess. It's a perfect storm."

In an attempt to comply with a Supreme Court ruling, ICE agents began issuing seemingly random hearing dates last year. Immigration attorneys knew to double-check, but immigrants without representation were left in the dark, said Eileen Blessinger, a Virginia-based immigration attorney. There's an 800-number that people can use to check on the status of their immigration cases, but there's no way that an immigrant without legal representation — more than half of all those in the immigration court system — would be aware of that option, Blessinger said in a telephone interview with CBS News. In a statement Thursday morning, an ICE spokesperson said the agency was working with the Department of Justice "regarding the proper issuance of Notices to Appear." The spokesperson said the government shutdown "delayed" that process, "resulting in an expected overflow of individuals appearing for immigration proceedings today/January 31."

### **DHS Caused Hundreds of Immigrants to Show Up Thursday for Fake Court Dates**

[Mother Jones](#) [1/31/2019 8:10 PM, Sophie Murguia] reports when immigration lawyer Christina Reggio arrived at San Francisco's immigration court around 8:30 on Thursday morning, she found chaos. A long line of men, women, and children stretched down the block, many of them holding court papers and wondering what to do. Reggio was meeting her client, a 17-year-old living in nearby San Mateo, for what was supposed to be her initial appearance in court for deportation proceedings. But when they went inside, after waiting in the long line, Reggio found out that the court had no record of her client. Instead, they were told to wait in another line for a piece of paper verifying that the client had shown up to court that day, and wait to be issued a date for a later hearing. Many other immigrants were stuck in almost the same confusing situation on Thursday. Lawyers say it's just the latest example of the Department of Homeland Security issuing fake dates for immigrants to appear in court—people received notices to appear on January 31, for instance, only to be told the system had no record of them. "It's obviously a logistical mess," says Dana Leigh Marks, the former president of the National Association of Immigration Judges. "It's very unfortunate that this occurred in the week we're coming back to face the chaos that was created by the shutdown."

In an emailed statement, the Department of Justice's Executive Office for Immigration Review said it was "unable to proceed with hearings for some respondents who believed they had hearings scheduled on that date. In some cases, the cases had been rescheduled to another date, but the lapse in appropriations prevented the immigration courts from issuing new hearing notices far enough in advance of the prior hearing date. In other cases, EOIR did not receive the Notice to Appear (NTA) in a timely manner." EOIR also said that because of recent changes to the agency's scheduling system, the agency "does not expect any further recurrence of this type of situation."

### **Weather, Shutdown Blamed for Immigration Courts Backlog**

[VOA News](#) [1/31/2019 3:34 PM, Associated Press, DC] reports U.S. immigration officials blame the government shutdown and the extreme winter weather for confusion about immigration court hearings. In an emailed statement, the part of the Justice Department overseeing immigration courts said some immigrants with notices to appear Thursday wouldn't be able to proceed with those hearings. The Executive Office for Immigration



Review said the shutdown prevented immigration courts from issuing new hearing notices. Weather-related closures this week also slowed the agency's processing of cases. The agency also said in some cases, courts didn't receive the required paperwork. Separately, Immigration and Customs Enforcement said the overflow of hearings scheduled Thursday had been expected because of the shutdown. Similar backlogs have occurred nationwide since a recent U.S. Supreme Court ruling addressed how to provide notices to immigrants to appear in court.

### **US immigration courts face heavy backlog after shutdown**

[Aljazeera](#) [1/31/2019 8:10 PM, Rob Reynolds] reports immigration courts in the United States are struggling to catch up after the longest government shutdown in history. A backlog of more than 800,000 cases means, for some asylum seekers, their fate will not be known for years. [Editorial note: consult source link for video]

### **[FL] Confusion About Immigration Court Hearings In Florida**

[WESH](#) [1/31/2019 6:08 PM, Staff, 68K, FL] reports U.S. immigration blame the government shutdown and the extreme winter weather for the confusion about immigration court hearings here in Florida and around the nation. The Justice Department oversees the immigration courts and says some immigrants received notices to appear today but the government couldn't proceed with those hearings. The Executive Office for Immigration Review said that the shutdown prevented immigration courts from issuing new hearing notices. [Editorial note: consult source link for video]

### **[IL] Polar vortex adds confusion to immigration court notices, Chicago attorneys say**

[Chicago Tribune](#) [1/31/2019 12:50 PM, Elvia Malagon, 1740K, IL] reports after dangerously cold weather shuttered immigration court in Chicago this week, attorneys were scrambling to get the word out to people in deportation proceedings. Attorneys were worried that a wave of immigrants – some who could be traveling from Wisconsin or Indiana – could show up to court Thursday because Jan. 31 was a date on notices to appear that were issued by the U.S. Department of Homeland Security. The notices are not correlated with actual hearings because the court has not scheduled them, said Kevin Raica, a Chicago-based attorney who is also part of the local chapter of American Immigration Lawyers Association. The confusion over hearings in immigration courts across the country has been a problem for months. Last fall, the immigration court in Chicago saw long lines of people in deportation proceedings who were given this type of notice. But this week, the confusion was complicated in Chicago by the polar vortex cold snap that caused temperatures to plummet to 23 degrees below zero, with a wind chill of minus 52, according to the National Weather Service. Most of the city came to a halt as classes were canceled, courts were closed and institutions shuttered. The immigration court in Chicago was closed Wednesday and Thursday because of the cold snap, said Gail Montenegro, spokeswoman for the court. That prevented the government from proceeding with hearings for people who thought they were supposed to show up to court on those days.

"In some cases, the cases had been rescheduled to another date, but the lapse in appropriations prevented the immigration courts from issuing new hearing notices far enough in advance of the prior hearing date. In other cases, EOIR did not receive the Notice to Appear in a timely matter," according to a statement from the division that oversees immigration court. The division of the U.S. Department of Justice, the Executive Office for Immigration Review, established a hotline, 800-898-7180, for people who were



given notices to appear to verify whether the date is correlated with an actual scheduled hearing. It all stems from a U.S. Supreme Court ruling in 2018 that determined that notices to appear in immigration court must include a time and date. Before that, notices often said the hearing date was yet to be set. In December, the government issued a memo about the notices. The divisions within the Department of Homeland Security are supposed to have access to a scheduling system that officials expect to alleviate the complications, according to the Executive Office for Immigration Review.

#### **[TX] 1 in 6 migrants granted asylum in San Antonio immigration courts**

[KTXS-TV](#) [1/31/2019 11:00 PM, April Molina, 6K, TX] reports that tens of thousands of migrants try to make their way into the United States every year fleeing extortion, persecution and terrorism. What happens when they get their day in court could depend on which judge hears the case. For every person granted asylum in the last 3 years in San Antonio immigration courts, 5 have been denied. "I don't think it depends on the integrity of the judge," said immigration attorney, Rafael Borrás. "I just think it depends on the job security that a judge may have." Only a handful of judges are issuing the majority of asylum case denials in San Antonio. The judges topping the list over the last 3 years for highest number of denials, are Thomas Crossan, Jr., Gary Burkholder and Vernon Miles. U.S. Department of Justice records reveal many migrants come to the U.S. looking for work, which doesn't meet the criteria for granting asylum. Starting in October of last year, new metrics were implemented, increasing the number of cases immigration judges are expected to hear each year. "We have a lot of judges that are concerned about those quotas and about those deadlines," Borrás said. Additional pressure to move cases is making some attorneys feel rushed and worried their clients won't get their due process. The same administration that implemented quotas has contributed to the recent backlog of asylum cases. More than 40,000 immigration hearings were canceled nationwide in the last month, as a result of the government shutdown.

#### **[CA] Hundreds in line at California immigration court**

[Washington Post](#) [1/31/2019 4:31 PM, AP, Staff] reports hundreds of people stood in line outside a U.S. immigration office in California amid confusion about court hearings delayed by weather or the partial government shutdown. The line snaked around the block in downtown San Francisco on Thursday. Some people had court appointments, but many held notices to appear for hearings that would not proceed because of administrative delays. U.S. immigration officials blamed the government shutdown and extreme winter weather for confusion about immigration hearings in several U.S. cities. In some cases, courts didn't receive the required paperwork in time. The government shutdown prevented immigration courts from issuing new hearing notices, and weather-related closures this week in some courts also created delays. Similar backlogs have occurred nationwide since a recent U.S. Supreme Court ruling addressed how to provide notices to immigrants to appear in court. Immigration officials in San Francisco said they were trying to process the paperwork as quickly as possible.

U.S. immigration officials blame the government shutdown and the extreme winter weather for confusion about immigration court hearings. In an emailed statement, the part of the Justice Department overseeing immigration courts said some immigrants with notices to appear Thursday wouldn't be able to proceed with those hearings. The Executive Office for Immigration Review said the shutdown prevented immigration courts from issuing new hearing notices. Weather-related closures this week also slowed the agency's processing of



cases. The agency also said in some cases, courts didn't receive the required paperwork. Separately, Immigration and Customs Enforcement said the overflow of hearings scheduled Thursday had been expected due to the shutdown. Similar backlogs have occurred nationwide since a recent U.S. Supreme Court ruling addressed how to provide notices to immigrants to appear in court.

**[CA] Confusion erupts as dozens show up for fake court date at SF immigration court**  
[San Francisco Chronicle](#) [1/31/2019 7:20 PM, Tatiana Sanchez, CA] reports one woman pulled her daughter out of school to make it to the courthouse on Montgomery Street. Another caught a ride from Fresno. A teenage girl and her ailing mother waited for hours, clutching documents that summoned the mother to Immigration Court Jan. 31. But none of them got what they came for and expected: a hearing before a judge. Dozens of people reported Thursday to hearings previously scheduled by the Department of Homeland Security at the federal San Francisco Immigration Court, only to find the appointments didn't exist. Immigration attorneys described similar scenes in Chicago, Atlanta, Virginia, Miami and Texas, where long lines snaked around courthouses for hours. Federal officials said Thursday's problems resulted from the government shutdown delaying the process of rescheduling the hearings. But attorneys representing immigrants called the court dates fake, and said Immigration and Customs Enforcement is sending immigrants notices to appear — charging documents instructing people accused of being in the country illegally to come to court — with court dates it knows are not real.

Attorneys say the new practice stems from a U.S. Supreme Court ruling, known as *Pereira vs. Sessions* that requires notices to appear to include a specific date and time in order to be valid. Previously, immigration authorities could send notices with the date listed as "to be determined." A similar situation occurred in several cities nationwide Oct. 31 when dozens of people showed up for court hearings that didn't exist. Since then, some have reported court dates scheduled on weekends or late at night. In a prepared statement, ICE denied giving immigrants a fake court date, saying, "Due to the recent partial lapse in government appropriations, the administrative process to resolve this issue was delayed, resulting in an expected overflow of individuals with Notices to Appear listing immigration proceedings on January 31." Meanwhile, the Executive Office for Immigration Review, which oversees all immigration courts, said it was "unable to proceed" with hearings for some people who "believed they had hearings scheduled" Thursday. "In some cases, the cases had been rescheduled to another date, but the lapse in appropriations prevented the immigration courts from issuing new hearing notices far enough in advance of the prior hearing date," the agency said in a statement. "In other cases, EOIR did not receive the Notice to Appear (NTA) in a timely manner. Immigration proceedings do not commence until the Department of Homeland Security has filed an NTA with an immigration court."

## **Policy and Legislative News**

### **Trump predicts failure by congressional committee charged with resolving border stalemate**

[Washington Post](#) [1/31/2019 6:43 PM, Erica Werner, Seung Min Kim, and John Wagner] reports President Trump on Thursday predicted failure by the congressional committee tasked with resolving the U.S.-Mexico border-wall standoff and preventing another government shutdown, saying any deal must fund his wall but he doesn't expect lawmakers to get there. The president's bleak assessment came as Republican senators suggested he



keep his distance from their negotiations, advice Trump seemed determined to ignore. The comments made clear that a week after the nation's longest-ever government shutdown came to an end, Congress and the White House are no closer to resolving the dispute that started it in the first place — even as another shutdown deadline looms two weeks from now. "I don't think they're going to make a deal," Trump told reporters in the Oval Office a day after the bipartisan group of House and Senate negotiators met for the first time. "I see what's happening. They're all saying, 'Oh, let's do this but we're not giving one dime to the wall.' That's okay." "But if they're not going to give money for the wall, it's not going to work," Trump said. "And if it's not going to work, then the politicians are really wasting a lot of time."

Trump spoke shortly after House Speaker Nancy Pelosi (D-Calif.) ruled out money for the wall in the committee's final product, saying, "There's not going to be any wall money in the legislation." But she said "enhanced fencing" could have a role in a comprehensive border security solution, adding that "if the president wants to call that a wall, he can call it a wall." Members of the committee charged with producing a compromise insisted that such outside interference from party leaders on both sides would only inhibit them from reaching a deal, with several saying that left to their own devices they could do it in a day. But any agreement would require assent from Trump and Pelosi, leading some on the committee to question whether their efforts would ultimately be futile — and raising the question of what will happen on Feb. 15 when the stopgap bill funding the government expires. Trump again suggested he could end up circumventing Congress by declaring a national emergency that would allow the military to build the wall, although such a declaration is opposed by many GOP lawmakers and would be certain to get tied up in court.

Additional reporting:

[Washington Post](#) [2/1/2019 4:39 AM, Alam Fram and Andrew Taylor]

[Washington Post](#) [1/31/2019 9:32 AM, Associated Press]

[Washington Post](#) [1/31/2019 3:45 AM, Greg Sargent, 9763K]

[New York Times](#) [1/31/2019 5:00 PM, Peter Baker and Maggie Haberman]

[Wall Street Journal](#) [1/31/2019 2:46 PM, Michael C. Bender and Kristina Peterson]

[The Hill](#) [1/31/2019 1:45 PM, Mike Lillis]

[Politico](#) [1/31/2019 10:00 AM, Stephanie Beasley, 2577K]

[Politico](#) [1/31/2019 3:10 PM, Burgess Everett, Caitlin Oprysko and Eliana Johnson]

[Reuters](#) [1/31/2019 3:49 PM, Amanda Becker and Richard Cowan]

[CNN](#) [2/1/2019 1:55 AM, Stephen Collinson]

[CNN](#) [1/31/2019 6:29 PM, Phil Mattingly, 5847K]

[CNN](#) [1/31/2019 3:28 PM, Chris Cillizza]

### **Family Feud: Dems' border security plan takes fire from the left**

[Washington Times](#) [1/31/2019 2:28 PM, Stephen Dinan and David Sherfinski, 527K, DC] reports an influential group of immigration activists lashed out at Democrats on Thursday, saying the party's new border security plan is still too cruel toward illegal immigrants and should instead focus on granting citizenship rights. United We Dream, which represents illegal immigrant "Dreamers," complained in particular about Democrats' plans to boost the number of agents at U.S. Immigration and Customs Enforcement, saying it means sending "even more cash to the deportation force." "With 15,000 children locked in cages right now, deaths in detention camps, families being ripped apart every day and the eyes of the world watching for leadership, this 'not as bad as the Republican' plan is malpractice," said Cristina Jimenez, executive director and co-founder of United We Dream. She said



Democrats have for years voted in favor of spending bills that boosted border security and immigration enforcement, and she said it's time to reverse that and begin to cut from ICE and U.S. Customs and Border Protection. House Democrats' new plan, unveiled Wednesday and Thursday, would in fact slash the number of illegal immigrants that can be held for deportation, from about 45,000 now down to about 35,000. It would also propose limiting the number of people who can be arrested and held from the interior of the U.S., and it would end the detention of illegal immigrant families altogether by 2020. But Democrats said they would add new Homeland Security Investigation agents to ICE's ranks and would also boost customs officers managing the ports of entry. Overall, the Democratic plan would boost ICE funding by \$369 million over last year, to \$7.4 billion, and boost CBP by \$278 million, to \$14.3 billion.

### **Ocasio-Cortez, progressives press Pelosi to not increase DHS funding in any spending deal**

[The Hill](#) [1/31/2019 2:22 PM, Owen Daugherty, 3038K] reports four freshmen Democrats are putting pressure on Democrats to oppose any spending deal that would increase funding for the Department of Homeland Security, as lawmakers from both chambers attempt to negotiate a deal to avert another government shutdown. Reps. Alexandria Ocasio-Cortez (N.Y.), Ilhan Omar (Minn.), Ayanna Pressley (Mass.) and Rashida Tlaib (Mich.) drafted a letter that calls out Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) – two agencies under DHS – and says long-term funding issues should be addressed during the fiscal year 2020 budget process. "We have seen rampant spending on detention facilities for young children," a draft of the letter reads. "The deal reached by the Conference Committee should not allocate any additional funding to this department or to the ICE and CBP agencies. The upcoming FY2020 budget process will be a critical opportunity to take up conversations about reforms to the agency. In the meantime, not another dollar."

Reported similarly: [Washington Examiner](#) [1/31/2019 3:15 PM, Caitlin Yilek, DC]

### **Trump, Dem talk of 'smart wall' thrills tech companies**

[The Hill](#) [1/31/2019 5:06 PM, Emily Birnbaum, 3038K] reports tech companies are increasingly bullish on building a "smart wall," which would incorporate new technologies to beef up security on the southern border. Many firms see a potential windfall with both Democrats and Republicans floating the idea of tech improvements as an alternative to President Trump's call for a steel barrier on the U.S.-Mexico border. Democrats have said they would back as much as \$5.7 billion for a smart wall. Trump himself discussed the idea when announcing the deal to end the recent government shutdown. "The walls we are building are not medieval walls. They are smart walls designed to meet the needs of frontline border agents," the president said last Friday. Trump's critics noted he had first dismissed the idea when it was proposed by Democrats. The tech and defense industries have long pushed for technology to be a centerpiece of efforts to secure the border.

### **Homan Slams Dems' Opposition to Trump, Says They Want to See Him 'Fail' on Border Wall**

[FOX News](#) [1/31/2019 8:16 AM, Staff] reports that on "Fox Nation In Depth," former Acting ICE Director Tom Homan said Democrats are putting politics and their opposition to President Trump above national security. In an in-depth interview with Tomi Lahren, Homan said it would "absolutely" be a fail for Trump if he doesn't build his long-promised wall along



the U.S.-Mexico border, and that's what his opponents want. "It's all about anti-Trump agenda, anti-law enforcement agenda," Homan said, noting that many Democrats spoke out against illegal immigration in the past only to reverse course because they don't support the current commander-in-chief. He said that Trump "gets it" and understands that border barriers simply work, but Congress is preventing him from putting his plan into action. Lahren noted that it's not just Democrats and there are many Republicans who campaign on the immigration issue but fail to act once they're on Capitol Hill. "I think their motivation is to be re-elected. They're afraid of votes, and I think they read too much of the left-sided media," Homan said, calling on voters to hold their elected representatives accountable. "We can be a safer nation, a sovereign nation if we just make a few simple changes ... Regardless of what you think of the president, he's the president of the United States. His success is this country's success." [Editorial note: consult source link for video]

**Border Patrol sector chief: I'll call it 'fence' if I have to, but I could use some of it**  
[Washington Examiner](#) [1/31/2019 11:44 AM, Eddie Scarry, DC] reports that President Trump on Thursday joined Democrats in their stupid semantics war over his proposed border wall, tweeting, "Let's just call them WALLS from now on and stop playing political games! A WALL is a WALL!" It's true that "a wall is a wall," but if Democrats don't want to use the word, then nobody cares — least of all U.S. Border Patrol agents. When I visited the Rio Grande Valley sector at the southernmost point of Texas, where there are more illegal crossings from Mexico than at any other part of the border, I asked Border Patrol division chief John Morris what he made of the distinction the White House and congressional Democrats are making between a "wall" and other types of physical barriers on the border. "So, whether you want to call it fence, you want to call it barrier, you want to call it wall, we don't really care because to us, the semantics lies within politics," he told me. "We're all about functionality. If I need to call it 'fence,' if I need to call it 'barrier,' I will." In that part of the border, I saw the areas where they have some border barrier, 25-foot tall vertical structures made of both concrete and thick steel slats. In some areas it may stretch a few miles, in some areas just several yards. But in others, there is no barrier at all, and it's in those areas where Morris said that 90 percent of migrant apprehensions take place. Morris told me the goal since the mid-1990s has simply been to build that same type of structure in as many areas as possible along the sector's continuous border with Mexico.

**Armed Services Committee chairman rips Pentagon over lack of transparency about border mission**

[Washington Post](#) [1/31/2019 5:02 PM, Dan Lamothe] reports that about 3,500 additional U.S. troops will deploy to the southern border, the chairman of the House Armed Services Committee said Thursday, criticizing the Pentagon for not revealing the number a day earlier under questioning at a committee hearing. Rep. Adam Smith (D.-Wash.), the committee chairman, said he was "deeply troubled" that John Rood, the undersecretary of defense, and Vice Adm. Michael Gilday, the director of operations for the Pentagon's Joint Staff, did not disclose the increase in U.S. troops, "even though we asked them multiple times during a two-and-a-half-hour hearing what would happen next at the border." Smith, in a letter to Shanahan also released Thursday, said the Defense Department "balked" when given an opportunity to testify about the border mission. "In my opening statement before yesterday's hearing, I said one of the goals of the hearing was to 'set the factual record straight about the Department's support on the southern border,'" Smith said in the letter. "We did not achieve that goal with the testimony provided by Secretary Rood." During the hearing, Smith did not specifically ask how many additional troops were going to the



border, though he requested an update on what would be occurring. A U.S. defense official said the number Smith announced in his statement on Thursday is roughly accurate and has been discussed internally at the Pentagon for several days. The committee hearing was held Wednesday morning just after Shanahan held his first news conference with Pentagon reporters. Shanahan said then "several thousand" additional U.S. troops would deploy to the border, supplementing about 2,300 already there. However, Shanahan did not provide a specific number. An additional 3,500 active-duty U.S. troops will put about 5,800 on the southern border, just short of the 5,900 the Pentagon had there in November.

Additional reporting:

[The Hill](#) [1/31/2019 10:16 AM, Michael Burke]

[Wall Street Journal](#) [1/31/2019 7:45 PM, Nancy A. Youssef]

[CNN](#) [1/31/2019 4:03 PM, Ryan Browne and Barbara Starr]

[New York Post](#) [1/31/2019 1:03 PM, Yaron Steinbuch, NY]

### **Trump's tweets on Mexico's rising murder rate conflict with his new asylum policy**

[Washington Post](#) [1/31/2019 10:26 AM, Adam Taylor, 9763K] reports that in a series of tweets on Thursday, President Trump sought to justify his calls for a wall along the U.S. border with Mexico by pointing to the rising murder rate in that country. In doing, however, so he also highlighted the dangers of the Trump administration's new "Remain in Mexico" asylum policy, which requires those who have applied for asylum at the U.S.-Mexico border to return to Mexico for months while they await a decision. Trump's newly enacted asylum policy means that migrants must now face those dangers for months on end while their cases are processed.

### **Whitaker Eyes Axing Asylum for Victims of Domestic Violence, Child Sex Abuse**

[Daily Beast](#) [2/1/2019 5:11 AM, Jusin Glawe, NY] reports Acting Attorney General Matthew Whitaker is considering blocking one of the last avenues for victims of domestic violence, including children, to be granted asylum in the U.S. In December, Whitaker quietly referred an internal Justice Department ruling on family-based asylum claims to himself. The decision hinges on what constitutes membership in a "particular social group" (PSG), a legal threshold to obtain asylum. Whitaker said in an order last month he would determine "whether and under what circumstances" being a member of a family qualifies as membership in a PSG. Immigration attorneys fear Whitaker will drastically narrow the definition and remove protections for victims of domestic and other intra-familial violence, including child victims of sexual assault and abuse. A Justice Department spokesman confirmed the decision remains pending in Whitaker's office, but did not provide further comment on the matter. Already, Whitaker's predecessor Jeff Sessions tried to remove asylum eligibility for victims of gang and domestic violence, with his own self-referral that is now partially on hold thanks to a federal judge's ruling last month. Whitaker inserted himself in the case of a Mexican man whose father was threatened by la Familia Michoacána, a drug cartel in the Mexican state of Michoacán. When the father refused to allow la Familia Michoacána to sell drugs out of his store, cartel members attempted to kidnap his son, known by his initials, LEA. LEA claims he was targeted by the cartel because his father refused the group's demands—in other words, his relationship to his father qualifies him as a member of a particular social group, and that is the central reason he was threatened and must seek asylum. A Justice Department immigration judge in California denied LEA's asylum claim by saying being a member of his family wasn't the only reason he was threatened. LEA appealed the decision to the DOJ's Board of Immigration Appeals.



There is only one reason for Whitaker to decide an individual asylum case, said Bradley Jenkins of the Catholic Legal Immigration Network (CLINIC), which represents LEA. "Whenever the AG refers a case to themselves, it is always going to be to set a legal precedent," Jenkins told The Daily Beast. "For the past 30 years the government has repeatedly said that if you are persecuted because you are a member of your family, you qualify for asylum. Several courts of appeals have said there can be no plainer example of a particular social group than being a member of a family, and DHS has agreed with this, so we think we're on pretty solid ground here." One decision left over by Sessions is whether to allow some asylum-seekers to have a bond hearing before an immigration judge in order to be released from detention. If Whitaker decides to overturn a BIA ruling that found those asylum-seekers have the right to a hearing, it would mean indefinite detention for thousands of additional migrants each year, Jenkins said. Currently the BIA holds that migrants who enter the country illegally and turn themselves into authorities to claim asylum are eligible to be released on bond if an immigration judge deems them to be qualified. Whitaker could set a new legal precedent that would remove that eligibility, thereby detaining a large swath of asylum-seekers that includes many in the surge of the Central American families showing up at the border. Since 2005, the BIA and circuit courts have maintained that those asylum-seekers are eligible for a bond hearing. In 2017, the Supreme Court agreed, but in a key decision ruled that immigration judges are not required to grant bond hearings. Sessions cited the ruling as the reason he would refer the decision to himself, causing attorneys and advocates to prepare for him to set a new legal precedent by doing away with bond hearings for that class of asylum-seekers. That decision now rests with Whitaker. If bond hearings were eliminated, it would be tantamount to a "policy of detain everybody," said Jenkins. If Whitaker revokes bond hearings, it would be solely up to Immigration and Customs Enforcement officials in the facilities holding asylum-seekers to grant them bond or other forms of release.

### **Confidential documents show CBP prepping for lawsuits over new asylum limits**

[Tucson Sentinel](#) [1/31/2019 9:47 AM, Paul Ingram, 3K, AZ] reports officials at U.S. Customs and Border Protection are preemptively preparing for a lawsuit over the implementation of a new Migrant Protection Protocols, a controversial plan that will begin returning Central American asylum seekers to Mexico while their cases wind through the immigration system. An internal document, leaked to TucsonSentinel.com, shows that CBP is requiring all staffers to sign a "litigation hold" to preserve documents, in anticipation of a lawsuit over the new process. Immigrant-rights groups are likely to sue to block the process. Originally called Remain in Mexico, or "Return to Territory," the Trump administration's plan would send asylum seekers back to Mexico in an attempt to "reduce illegal migration by removing one of the key incentives that encourages people from taking the dangerous journey to the United States in the first place," Homeland Security Secretary Kirstjen Nielsen claimed in December. " 'Catch and release' will be replaced with 'catch and return,'" she said. Just days before Christmas, Homeland Security's Nielsen announced the plan, calling it a "historic action" to "bring the illegal immigration crisis under control." As DHS said on Tuesday, the protocols are "a U.S. Government action whereby certain foreign individuals entering or seeking admission to the U.S. from Mexico – illegally or without proper documentation – may be returned to Mexico and wait outside of the U.S. for the duration of their immigration proceedings, where Mexico will provide them with all appropriate humanitarian protections for the duration of their stay." DHS said that people "who need to return to the U.S. to attend their immigration court hearings will be allowed to enter and attend those hearings." People whose claims are "found meritorious" by an immigration judge will be allowed to remain in



the U.S. Meanwhile, "those determined to be without valid claims," will be deported back to their country of nationality or citizenship, DHS said.

### **Latest group of Central American migrants proceed with northern trek**

[Reuters](#) [1/31/2019 2:59 PM, Lizbeth Diaz] reports thousands of U.S.-bound Central American migrants resumed their northern journey on Thursday, Mexico City officials said, part of a growing group of would-be asylum seekers who say they are fleeing violence and poverty back home. Around 2,400 migrants left a city shelter to begin the journey from the Mexican capital early Thursday morning, the latest caravan to embark upon the risky path to the U.S.-Mexican border despite U.S. President Donald Trump's determination to prevent them from entering. Since last October, thousands of mostly Central American migrants have sought to cross into the United States, many traveling in caravans in order to minimize the risks of kidnapping and attacks by members of criminal gangs while in Mexican territory. The likelihood of having to wait weeks or even months at the border, where migrants face high rates of violent crime, has not dented the group's enthusiasm.

### **U.S. stops issuing visas after Ghana refuses to take back deportees**

[Washington Examiner](#) [1/31/2019 11:28 PM, Staff, 629K, DC] reports the Trump administration announced late Thursday it will stop issuing some visas to citizens of the African country Ghana, following the government's refusal to take back citizens the U.S. has tried to deport. "Ghana has failed to live up to its obligations under international law to accept the return of its nationals ordered removed from the United States," Homeland Security Secretary Kirstjen Nielsen said. "The United States routinely cooperates with foreign governments in documenting and accepting U.S. citizens when asked, as appropriate, as do the majority of countries in the world, but Ghana has failed to do so in this case. We hope the Ghanaian government will work with us to reconcile these deficiencies quickly." Nielsen asked Secretary of State Mike Pompeo to sanction visas this week, and the top diplomat instructed U.S. consular officers in Ghana to impose visa restrictions on certain categories of applicants. A 2017 annual report by Immigration and Customs Enforcement, the DHS agency tasked with removing people, said 305 people from Ghana were slated to be repatriated from Oct. 1, 2016, through Sept. 30, 2017. DHS threatened to expand the visa sanctions to additional visa groups if Ghana continues to refuse repatriated people. Countries accepting back citizens must issue travel documents for those being repatriated before the U.S. can deport them. In Ghana's case, the government refused to supply ICE with those documents.

### **Sen. Joni Ernst reintroduces immigration bill Sarah's Law on anniversary of Iowan woman's death**

[GrayDC](#) [1/31/2019 11:49 AM, Allison Maass, DC] reports on the third anniversary of Sarah Root's death, Sen. Joni Ernst is reintroducing the immigration bill named in Root's honor. Sarah's Law is legislation that would require U.S. Immigration and Customs Enforcement officials to take custody of someone who is in the country illegally and charged with a crime that resulted in either death or serious injury of another person. Root, an Iowan, was 21-years-old when she was struck and killed in a car accident in Nebraska allegedly caused by Edwin Mejia, an undocumented migrant who was arrested for driving under the influence and later charged with vehicular homicide, according to authorities. Mejia was not detained by ICE at the time and posted bail and disappeared. This is the third time Sen. Ernst has proposed this bill since 2016, and Sen. John Thune, Sen. Ted Cruz and Sen. Chuck Grassley are some of the senators who have supported the bill in the past. [Editorial note:



consult source link for video]

Reported similarly:

[North Iowa News](#) [1/31/2019 1:14 PM, Staff, 1K, IA]

[KFAB](#) [1/31/2019 2:18 PM, Julia Bertino, 1K, NE]

**Blackburn Bringing Knoxville Dad Whose Son Was Killed by Illegal Alien to SOTU**

[Washington Free Beacon](#) [1/31/2019 1:13 PM, Brent Scher, 105K, DC] reports Republican Sen. Marsha Blackburn announced on Thursday that a Knoxville firefighter whose son was killed by an illegal immigrant will be her guest at President Donald Trump's State of the Union address next Tuesday. Twenty-two-year-old Pierce Corcoran was killed just after Christmas when he was hit by Francisco Eduardo Franco Cambrany, a 44-year-old illegal immigrant who was charged with criminally negligent homicide and driving without a license or insurance. Blackburn's guest for the address will be his father, Knoxville fire captain D.J. Corcoran, whose wife will also be in attendance as the guest of Rep. Tim Burchett.

**[MA] Sheriff's Office to Hold Community Info Session on Partnership with ICE**

[WXTK-FM 95.1](#) [1/31/2019 9:10 AM, Staff, 777K, MA] reports that there is still opposition in Massachusetts to the U.S. Immigration and Customs Enforcement 287(g) program. The Barnstable County Sheriff's Office has partnered with ICE to use the program that allows officers to be deputized and have access to ICE databases to see if convicted felons in custody are in the country illegally and should be detained. According to statistics released by the Sheriff's Office, 79 such inmates in 2018 were referred to ICE. The Sheriff's Office will hold a community informational meeting to go over its partnership with ICE on February 13 at 3 p.m. at the Bourne Veterans Memorial Community Center, 239 Main Street, Buzzards Bay.

**[NY] Albany Bill Could Make It Harder For ICE To Arrest Immigrants At Courthouses**

[Gothamist](#) [1/31/2019 4:13 PM, Beth Fertig, 226K, NY] reports district attorneys, public defenders and immigration advocates joined state lawmakers Thursday to support legislation that would make it harder for Immigration and Customs Enforcement to arrest immigrants both inside and outside courthouses. It would require ICE to provide a warrant signed by a judge before arresting anyone in or outside a court. The NYPD and city jails already have similar policies. Proponents said the legislation is necessary because of the growing number of ICE arrests in and around courthouses since President Trump took office. ICE did not reply to a request for comment on the legislation. In the past, the agency has said it's been driven to make more arrests at courthouses because of New York's so-called "sanctuary" policies limiting the cooperation of police and jails.

**[AZ] Petition wants to make Tucson the first sanctuary city in Arizona**

[Arizona Republic](#) [1/31/2019 12:51 PM, Julian Hernandez, 695K, AZ] reports Tucson has been at the forefront of the sanctuary movement since the early 1980s, when organizers at the Southside Presbyterian Church began providing refuge for asylum-seekers fleeing civil conflict in Central America. Tucson has never officially declared itself a sanctuary city, as San Francisco did in 1989, becoming the first municipality to protect undocumented immigrants from deportation or prosecution, despite federal immigration law. In December 2016, after decades of different policies limiting the cooperation between Tucson and federal law enforcement agencies, the mayor and city council unanimously passed a resolution declaring Tucson an "Immigrant Welcoming City," recognizing the need to protect



and serve the city's immigrant communities. Now a petition to declare Tucson a sanctuary city is being circulated for signatures, and if it becomes city code, it could conflict with the last vestige of Arizona's infamous SB 1070 – the so-called "show me your papers" law.

### **[CA] California Governor to Discuss Millions in Border Aid During Visit to San Diego**

[NBC San Diego](#) [1/31/2019 11:08 PM, Staff, 98K, CA] reports that California's new governor has proposed millions of dollars for a so-called immigration rapid response program. On Thursday, Governor Gavin Newsom will be in San Diego to meet with elected officials and humanitarian aid leaders to discuss the plan. Newsom's proposed budget includes \$25 million that would help organizations offering services to asylum seekers. In November, he toured the Otay Mesa Immigration Detention Center and a temporary shelter for asylum seekers. Soon after that, Newsom described the activity along the U.S.-Mexico border as a "humanitarian crisis." He has stated that when the current agreement to provide the California National Guard along the border expires on March 31, he intends to withdraw the guard.

## **Legal News**

### **Jailed local immigration activist will return to native Mexico**

[Boston Globe](#) [1/31/2019 3:34 PM, Annika Hom, MA] reports a jailed immigration-rights activist with Massachusetts ties was ordered back to his native Mexico, after a judge last week rebuffed arguments that he should be allowed to stay because of health issues. Eduardo Samaniego, 26, agreed to a voluntary departure and must leave the country within a month, his attorney Hiba Ghalib said Wednesday. The decision came just over a week after activists in 11 US cities, including Boston and Springfield, rallied for Samaniego's release, saying he is being targeted because of his advocacy work. Samaniego entered the United States illegally when he was 16. He received a four-year scholarship from Hampshire College and became a prominent voice at immigration marches and rallies around the state. Samaniego has spoken out for legal protection for so-called Dreamers, immigrants brought to the country illegally as children. In October, in Georgia, Samaniego argued with his taxi driver about a \$27 taxi fare. The police arrested Samaniego and turned him over to Immigration and Customs Enforcement. Samaniego has been in ICE custody since, most recently at a South Carolina mental health treatment facility. On Jan. 25, Samaniego appeared via videochat at Atlanta Immigration Court. Judge William A. Cassidy progressed with removal proceedings and questioning despite objections from Samaniego's lawyer. Ghalib argued that Samaniego couldn't properly represent himself in court and that he required further evaluation of his mental health. She said detention had exacerbated Samaniego's mental and physical health, which was already precarious after he suffered serious injuries in a gas explosion a few years ago. Samaniego accepted voluntary departure, meaning he'll depart on his own expense within 30 days. An ICE spokesman said the agency "respects the decisions of the immigration courts, but the courts are not part of this agency. We cannot speak for them."

Reported similarly: [Amherst Bulletin](#) [1/31/2019 4:39 PM, Dusty Christensen, MA]

### **Iraqi Has Returned To U.S. After ICE Deported Him Against Court Orders**

[NPR](#) [1/31/2019 6:13 PM, Jne Arraf and Awadh Al-Taei] reports that Muneer Subaihani had lived in the United States for almost 25 years when he was arrested by U.S.



immigration authorities last summer and deported back to Iraq. That's when the U.S. lost track of him. Immigration and Customs Enforcement deported him in contravention of a U.S. federal court order two years ago halting the deportations of about 1,400 Iraqis. In a rare move, the court ordered ICE to find him and bring him back to the United States. Subaihani, 52, arrived back in the U.S. Tuesday night – the first time an Iraqi deportee has been allowed to return, according to the American Civil Liberties Union, which hired a private investigator to find him in Iraq. Last August, ICE agreed to return Subaihani to the United States. Court documents filed by the ACLU say ICE's efforts to follow the court order and retrieve Subaihani consisted mainly of sending emails to U.S. embassy officials that went unanswered, and calling an airline's toll-free customer service number to try to find out if he had boarded one of his connecting flights. Once they located him, according to ACLU attorney Miriam Aukerman, the immigration officials' attempts to bring Subaihani back failed – once because of his lack of identification and a second time because ICE didn't rebook his airline ticket. ICE spokesman Khaalid Walls said he could not comment on the case because of pending litigation regarding the ACLU lawsuit.

#### **[NY] ICE-detained Capital City Rescue Mission chef gets marriage visa petition approved**

[Albany Times Union](#) [1/31/2019 4:06 PM, Mallory Moench, 105K, NY] reports the attorney of ICE-detained Capital City Rescue Mission chef Kinimo Ngoran confirmed that his petition for a marriage visa was approved after they met with U.S. Immigration and Customs Enforcement in Colonie Thursday. Attorney Fred Korkosz said it's the first step to getting Ngoran immigration status. With the approved petition, he now has to wait to apply to become a lawful permanent resident. Ngoran entered the country illegally more than a decade ago, allegedly fleeing violence and religious persecution in the Ivory Coast. Since then, he's been trying to get legal status. ICE spokesman Khaalid Walls said Ngoran was previously ordered removed from the U.S. by a federal immigration judge in 2004. Courts denied his subsequent appeals. While Ngoran's attorney at the time worked on his appeal, the Department of Homeland Security issued him a temporary stay of deportation, forbidding his immediate removal. Walls said that Ngoran has been regularly reporting to ICE under an order of supervision issued in 2012 because the agency was previously unable to obtain a travel document from his home country.

## **Enforcement News**

#### **[NY] ICE: 118 Arrested in New York For Violating U.S. Immigration Laws**

[Hudson Valley Post](#) [1/31/2019 12:18 PM, Bobby Welber, NY] reports that a number of people living in the Hudson Valley were among the 118 New Yorker's arrested for allegedly violating immigration laws. During a 5-day period, from January 14-18th, officers from the U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations arrested 118 from the Hudson Valley, New York City and Long Island. All of the 118 were arrested by ICE's Enforcement and Removal Operations for violating U.S. immigration laws, officials say. "The success of this operation is a direct result of the full commitment of the dedicated men and women of ICE." Thomas R. Decker, field office director for ERO New York, said in a press release. "In spite of the significant obstacles that ICE faces due to the dangerous policies created by local jurisdictions, which hinders the cooperation between ICE and local law enforcement, ICE will continue to devote the full efforts of our agency to protecting citizens and enforcing federal immigration law despite challenges being pursued by politically motivated individuals."



**[FL] Nicaraguan doctor flees political turmoil after defying orders not to treat protesters, faces uncertain future**

[Orlando Sentinel](#) [1/31/2019 9:05 AM, Lisa Maria Garza and Bianca Padro Ocasio, 170K, FL] reports that a Nicaraguan doctor seeking political asylum in Central Florida still has swelling under his left eye that he said came from a brutal beating by a paramilitary group for defying government orders against treating wounded civilian protesters. Dr. Luis Rodolfo Ibarra, 32, fled to the U.S. in September, leaving his wife and 1-year-old daughter in hiding, he said, after a barrage of death threats and termination from his prominent job at a hospital in the Central American country embroiled in political turmoil. As he undergoes the difficult asylum process, Ibarra is living with a DeLand couple he has known for nearly 20 years since they met during a church mission trip. He is among dozens of Nicaraguan medical professionals who came under violent scrutiny and in many cases were fired after treating injured protesters. About 300 people have been killed and an estimated 2,000 injured during the civil unrest that began in April, according to human rights groups.

Early one morning in September he left his home in Nicaragua with a small amount of cash and paid for a ride across the country. It was the start of a 2,700-mile journey through Honduras, El Salvador, Guatemala and Mexico, sleeping outside and selling off his possessions as he went. He eventually made his way to the U.S. border in Arizona, crossed over and waited to be apprehended by Border Patrol agents. Ibarra was taken to a medium-security prison for men in Eloy that the federal government has an agreement with to house immigrant detainees. Ibarra provided documentation to the Sentinel to corroborate his status. U.S. Immigration and Customs Enforcement wasn't immediately able to confirm details of Ibarra's case as it is still under review. He'll have to make his case for asylum without photos of his severe injuries — including a fracture under his eye and left arm — that were stored on a flash drive. "They threw it in the trash," he said, an assertion echoed by detainees held in other U.S. detention centers. ICE standards for detention say "detainees may keep a reasonable amount of personal property in their possession, provided it poses no threat to detainee safety or facility security." Even without that evidence, his Orlando immigration attorney Rusten Hurd said Ibarra still has a solid case for seeking political asylum because he is at risk to suffer persecution if he returns to Nicaragua.

**[FL] Woman with children seen panhandling at Cape Coral Walmart charged with having false ID**

[Fort Myers News-Press](#) [1/31/2019 4:52 PM, Michael Braun and Stacey Henson, 29K, FL] reports a Romanian woman and two children were taken into custody at a Cape Coral Walmart on Wednesday after police received panhandling complaints. A Cape Coral police report said an officer questioned the woman, Senina Calin, 21, after receiving complaints that she was panhandling near the Walmart on Del Prado Boulevard. She faces charges of possessing fake identification. Calin, holding a sign saying she needed money for her children, told police she was from Romania. She did not have a city-issued permit for soliciting, police said. She had an identification card from Texas and an international driver document, which police determined to be fake, the report indicated. The report said an agent from U.S. Immigration and Customs Enforcement approached the officer and said Calin was in the country illegally and would be served an ICE detainer after her arrest. [Editorial note: consult source link for video]

**[LA] Man Living in Houma Arrested for Exploiting Children**



[KLAX-TV](#) [1/31/2019 1:00 PM, Staff, LA] reports Louisiana Attorney General Jeff Landry announced the arrest of an illegal alien living in Houma on numerous counts of Internet crimes against children. "Yet again, our office has arrested another illegal immigrant accused of exploiting children," said General Landry. "This man who should not be in our country has been picked up for possessing and distributing pornography involving juveniles under the age of 13." Jose Juan Hernandez, 42 illegally living in Houma, was arrested on 1 count of Pornography Involving Juveniles Under the Age of Thirteen and 17 counts of Pornography Involving Juveniles Under the Age of Thirteen. The arrest was a result of a joint investigation with the Louisiana Bureau of Investigation Cyber Crime Unit, Homeland Security Investigations, Immigration and Customs Enforcement, and Lafourche Parish Sheriff's Office. Hernandez was booked into the Lafourche Parish Detention Center and a detainer was placed on him by ICE. General Landry said this arrest and countless others recently in Louisiana highlight the need for improved border security.

### **[MI] Homeland Security Created A Fake University In Michigan As Part Of Immigration Sting**

[NPR](#) [1/31/2019 12:18 PM, Bill Chappell] reports that Homeland Security agents created a fake university in Michigan to attract foreign nationals who wanted to use student status to extend U.S. visa privileges, according to a federal indictment unsealed Wednesday. The University of Farmington didn't have any professors or hold any classes — but that didn't matter to "students" who used the sham school to stay in the U.S. illegally, the government says. Officials say the university attracted recruiters who were paid thousands of dollars for connecting students to the bogus school, which had an actual office space in Farmington Hills, Mich. Eight alleged recruiters are now under arrest, and dozens, if not hundreds, of people who enrolled could face charges and/or deportation as part of an undercover operation that began in 2015. Posing as the university's owners and staff, agents from Homeland Security Investigations worked with the recruiters to gather false student records, including transcripts, to deceive immigration authorities, according to the indictment. HSI operates within U.S. Immigration and Customs Enforcement.

The [Detroit Free Press](#) [1/31/2019 7:26 PM, Niraj Warikoo, MI] reports, "We have arrested 130 foreign nationals on civil immigration charges," ICE spokesperson Carissa Cutrell told the Free Press on Thursday. "This may increase." ICE made the arrests in the early morning hours Wednesday, the same day federal indictments were unsealed that charged eight people, six of them from metro Detroit, in a visa fraud scheme. The sweep was one of the largest targeting immigrants from India in recent years, attorneys say. The eight defendants were charged criminally for conspiracy to commit visa fraud and harboring aliens for profit. But the 130 students were arrested only on civil immigration charges.

[FOX 47](#) [1/31/2019 1:51 PM, Max White, MI] reports that Khaalid Walls, with the Detroit ICE Enforcement office clarified that the individuals were not undocumented or illegal aliens. His statement is as follows: "These individuals are not undocumented or illegal aliens. An undocumented alien is someone who illegally enters the country without documentation. ICE often doesn't know that an undocumented alien exists until we encounter that person. Instead, these foreign nationals are nonimmigrant aliens. They were admitted to the U.S. as nonimmigrant students using an F-1 visa based on the fact that they were going to attend an SEVP-certified school. Upon their arrival in the U.S., they transferred to the University of Farmington, which offered no academic or vocational programs of any kind. 'Fake foreign students' would be more accurate."



Additional reporting:

[Washington Post](#) [1/31/2019 4:37 PM, Staff, 9763K]  
[New York Times](#) [1/31/2019 11:14 PM, Sarah Mervosh, 20737K]  
[Breitbart](#) [1/31/2019 2:27 AM, Neil Munro, 2015K]  
[Insider](#) [1/31/2019 12:57 PM, Mariana Alfaro, 1082K]  
[Slate](#) [1/31/2019 10:04 AM, Molly Olmstead]  
[UPI](#) [1/31/2019 11:39 AM, Clyde Hughes, 303K]  
[Newser](#) [1/31/2019 8:57 AM, Jenn Gidman, 197K]  
[New York Post](#) [1/31/2019 8:08 PM, Lia Eustachewich, 3265K, NY]  
[VOA News](#) [1/31/2019 7:54 AM, Staff, 1183K, DC]  
[The Daily Caller](#) [1/31/2019 9:46 AM, Neetu Chandak, 867K, DC]  
[The Daily Caller](#) [1/31/2019 11:12 AM, David Krayden, 867K, DC]  
[Washington Examiner](#) [1/31/2019 10:21 AM, Dominick Mastangelo, 629K, DC]  
[Michigan Public Radio](#) [1/31/2019 4:35 PM, Catherine Shaffer, 31K, MI]  
[Detroit News](#) [1/31/2019 3:31 PM, Robert Snell, MI]

**[TX] ICE force-feeding several immigrants on hunger strike: report**

[The Hill](#) [1/31/2019 7:48 AM, Avery Anapol] reports that Immigration and Customs Enforcement authorities are reportedly force-feeding six immigrant detainees who have gone on hunger strikes. ICE spokeswoman Leticia Zamarripa told The Associated Press that a federal judge authorized force-feeding of some detainees earlier this month. The AP reported that the men are being force-fed through nasal tubes, and that many have "persistent nose bleeds" and vomiting. Other have been put on an IV, one attorney told the news service. Some detainees and an attorney representing them told the AP that nearly 30 people have refused food. The striking detainees are mostly from India and Cuba, and some have not eaten for over 30 days, according to the report. Those who reached the AP told the news service that they are striking to protest their lengthy detentions and alleged verbal abuse from ICE guards. One Cuban immigrant said that the hunger strikers have also been put in solitary confinement "as punishment." ICE told The Associated Press that 11 migrants at a detention facility in El Paso, Texas, and another four in other areas have been refusing food.

Reported similarly:

[New York Times](#) [2/1/2019 4:08 AM, Matt Stevens, 20737K]  
[CNN](#) [1/31/2019 12:39 PM, Geneva Sands and Priscilla Alvarez]  
[CBS News](#) [1/31/2019 3:35 PM, Staff]  
[ABC News](#) [1/31/2019 7:34 AM, Quinn Owen and Cheyenne Haslet, 2413K]  
[USA Today](#) [1/31/2019 7:43 AM, Daniel Borunda, 6053K]  
[Newsweek](#) [1/31/2019 7:44 AM, Chantal Da Silva, 2656K]  
[Common Dreams](#) [1/31/2019 1:12 PM, Jake Johnson, 279K, ME]  
[The Week Magazine](#) [1/31/2019 2:25 PM, Kathryn Krawczyk, 327K, NY]  
[VICE News](#) [1/31/2019 1:51 PM, Rex Santus, NY]  
[The Daily Caller](#) [1/31/2019 5:25 PM, Tim Pearce, 867K, DC]  
[Dallas Morning News](#) [1/31/2019 8:49 AM, Associated Press, 437K, TX]

**[TX] Convicted sex criminal migrant caught re-entering U.S. with 'human shield' son**

[Washington Examiner](#) [1/31/2019 9:28 AM, Eddie Scarry, DC] reports that a Washington Post report in November said Homeland Security Secretary Kirstjen Nielsen "suggest[ed]"



without evidence" that women and children had been used as "human shields" when U.S. authorities, overwhelmed by hundreds of migrants rushing the border, fired tear gas to keep them at bay. Perhaps there's no proof that women and children are being used as human shields to make their way into the country, increasing their odds of getting to stay, but there's plenty of evidence. U.S. Border Patrol just this week put out more of it, stating that they apprehended 45-year-old Guatemalan Lauro Garcia-Perez near the border in El Paso, Texas, on Jan. 24. He was crossing the Rio Grande, a spokesperson for DHS told me, along with his son. Garcia-Perez had previously been deported and was also convicted in 2005 of aggravated assault, burglary, aggravated sexual assault during robbery, and criminal sexual contact.

**[CO] There's Been Another Chicken Pox Outbreak at Immigrant Detention Facility**

[Westword](#) [1/31/2019 1:47 PM, Chris Walker, CO] reports that there has been another chicken pox outbreak at the immigrant detention center in Aurora, the second in just three months. A detainee "pod," which is a prison housing unit consisting of individual cells, was quarantined for weeks after an outbreak in October. Now two pods have been quarantined for 21 days because of the virus, said GEO Group spokesman Pablo Paez in an email. Paez did not answer additional questions about why a second outbreak had occurred, or what the facility, which is managed by private-prison company GEO Group through a contract with Immigration and Customs Enforcement, was doing to prevent future outbreaks. But today, January 31, I met a detainee at the facility who described what it was like being under quarantine during last fall's outbreak. From behind a glass partition in the center's visitor room, Miguel Angel, 34, described how guards one day told his pod, which housed 77 detainees, that they couldn't leave their housing unit, offering no explanation. "We had no idea what was going on," Angel recalls. "Guards just told us that we had to wait." They wound up waiting for a few days, during which they couldn't access the recreation yard, see visitors, consult face-to-face with lawyers, or even attend their immigration hearings. About a week in, the detainees finally learned that they were under a medical quarantine because of a possible chicken pox outbreak, Angel says. The potentially sick individuals had been removed from the housing unit before it was locked down. And weeks into the quarantine, a doctor still had not visited the pod. Exasperated, Angel and about sixty other detainees wrote letters to ICE and the GEO Group demanding answers — and to see a doctor.

Some of the information that Angel provided about October's outbreak (at least the number of individuals who were quarantined) runs counter to what ICE had told media outlets, including Westword, at the time. "Of the 77 detainees who were tested, medical staff diagnosed three detainees with varicella; seven others had low immunity and therefore possessed increased risk factors of contracting the disease; all ten were quarantined at the facility," spokesman Carl Rusnok said in a statement. "The Aurora medical staff continues to provide high-level care to all those affected, while at the same time continuing to serve the medical needs of the entire facility population."

**[UT] Man deported 4 times charged with 'transporting aliens for financial gain' in Utah**

[KUTV](#) [1/31/2019 12:18 PM, Adam Forgie, UT] reports that a Guatemalan man who has been deported four times is charged with three counts of "transporting an alien for financial gain" by a federal grand jury. Rolando Gomez-Gomez was also charged with one count of "reentry of a previously removed alien." Gomez-Gomez was arrested in Summit County on



Tuesday after a traffic stop by a Summit County Deputy Sheriff who is also a task force officer for U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations. The deputy asked Gomez-Gomez, who was driving a van, for his license. The deputy says Gomez-Gomez gave him a fraudulent Guatemalan driver's license. During the stop, the deputy noticed several male passengers, including children, in the back of his van. After further investigation by the deputy and ICE, nine people, including three children were taken to the ICE office in West Valley City. Three of those people were also charged with "illegal reentry of a previously removed alien." Police say Gomez-Gomez has been deported from the U.S. four times. "The potential maximum penalty for each count of conspiracy to transport aliens is 10 years in prison," according to a news release from The Department of Justice. "Re-entry of a previously removed alien has a two-year potential maximum sentence."

#### **[CA] Deported Child-Molesting Kidnapper Arrested After Re-Entering U.S.**

[Breitbart](#) [1/31/2019 9:51 AM, Bob Price, 2015K] reports that Border Patrol agents in the El Centro Sector stopped a dangerous criminal alien from successfully re-entering the U.S. on Monday afternoon. Calexico Station agents apprehended a suspected illegal immigrant on Monday afternoon approximately 11 miles west of the Calexico Port of Entry. The agents transported the man to the Calexico Station where they would identify him and conduct a biometric background investigation, according to information obtained from U.S. Customs and Border Protection officials. During the investigation, agents identified the man as 63-year-old Jose C. Gomez, a Mexican national. The agents checked his criminal history and discovered that a Georgia court convicted Gomez in 2007 for Felony Child Molestation. The court sentenced the man to five years in prison. Following the completion of his prison term in February 2011, immigration officers deported him to Mexico. A court in Virginia also convicted Gomez in August 1999 for Felony Abduction and Kidnapping. The Virginia court sentenced the Mexican national to two years in state prison. El Centro Sector Border Patrol officials stated that their agents have apprehended and seven convicted sex offenders as they attempted to re-enter the U.S. since the new fiscal year began on October 1. CBP officials stated that Gomez remains in federal custody and will be prosecuted for illegal re-entry after removal as a sex offender.

#### **[CA] Protesters march through downtown Fresno for Navy vet facing possible deportation**

[Merced Sun-Star](#) [1/31/2019 2:44 PM, Rory Appleton, 14K, CA] reports about 25 protesters marched across downtown Fresno Thursday in support of Joaquin Antonio Sotelo Tarin, a U.S. Navy veteran who must report to ICE on Feb. 12 and could face deportation. Tarin, who said he came to the United States as an undocumented 8-year-old from Mexico, said he and other veterans who are not legal residents of the country in which they served should be treated with more respect. He called the current immigration system "broken," saying the two years since his release from immigration custody has already done permanent damage to his family. In 2014, Tarin pleaded guilty to several felonies including a domestic violence charge. He served about a year-and-a-half in prison, after which he was immediately picked up by ICE and detained for another year-and-a-half before being released on bond in January 2017. He said Thursday that he has not been allowed to work since his 2017 release, nor can he receive state money to attend college. The march aimed to put pressure on Feinstein, who Tarin's lawyers say has assisted in previous immigration cases. [Editorial note: consult source link for video]

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Monday, Feb. 4, 2019**

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## Executive Office for Immigration Review

### **Hundreds of immigrants show up for hearings that never got scheduled, causing 'mass chaos'**

[ABA Journal](#) [2/1/2019 10:35 AM, Debra Cassens Weiss, 33K] reports hundreds of immigrants who received notices to appear at immigration hearings across the country on Thursday learned after they arrived in court that their hearings had never been scheduled. The immigrants began receiving notices with hearing dates after the U.S. Supreme Court ruled in June that all notices to appear must include a date, time and location, report the Washington Post, CBS News and CNN. Those notices are supposed to be filed with immigration courts, which are supposed to schedule the hearings. Kathryn Mattingly, a spokesperson for Executive Office for Immigration Review, cited two reasons why that didn't happen. In some instances, the government shutdown prevented cases from being scheduled, Mattingly said. In others, the Department of Homeland Security didn't file the proper charges in time. The American Immigration Lawyers Association said it was aware of more than a thousand people who showed up in court with the inaccurate notices. Houston immigration lawyer Ruby Powers described the situation as "mass chaos" in an interview with CBS News. It's the second time immigrants received inaccurate notices. Immigration lawyers were aware of a need to double-check the seemingly random hearing dates printed on the notices, according to Virginia immigration lawyer Eileen Blessinger. Immigrants without representation didn't know that, she told CBS. Some notices even carried dates that didn't exist, such as Sept. 31, immigration lawyers said. Reuters analyzed court data and found that a record 9,000 deportation cases were terminated this summer, a period when immigration lawyers were challenging the faulty notices. The number is 160 percent higher than the same period last year, according to the article, published in October. That wave of case terminations ended on Aug. 31 when the Board of Immigration Appeals ruled that notices without a date and time were valid as long as immigrants received a later notice with those details.

### **Homeland Security called hundreds of immigrants to court hearings that didn't exist**

[Los Angeles Times](#) [2/1/2019 7:00 AM, Andrea Castillo, 214K, CA] reports the line outside the Los Angeles Immigration Court Thursday morning snaked around the side of the building, doubled back to the South Olive Street sidewalk and nearly reached the next block. Some of those in line had scheduled hearings in court. Others simply thought they did. In a statement, Immigration and Customs Enforcement officials attributed the overflow crowds to administrative processing delays caused by the recent federal government shutdown. "All appropriate parties are working together to resolve this issue going forward," the statement read. Around the country, thousands of immigrants given notices to appear in court Thursday by the Department of Homeland Security showed up for hearings that didn't exist. Immigration lawyers blamed Homeland Security for issuing "fake" court dates, and reported similar chaotic scenes at courts in Atlanta, Miami, San Francisco and Omaha. Some of Thursday's invalid appointments had already been rescheduled to future dates, but the government shutdown prevented courts from being able to notify those people in time, the Justice Department's Executive Office for Immigration Review said in a statement. EOIR, which oversees immigration courts, said weather-related closures earlier this week also impeded efforts to prepare cases for Thursday. "In other cases, EOIR did not receive the notice to appear (NTA) in a timely manner," the agency said. But as of late December,



DHS has had access to the courts' scheduling system. With that change, the agency said, it doesn't expect arbitrary court dates to be issued again in the future.

### **'Mass Chaos' Erupts at Immigration Courts After ICE Hands Fake Hearing Dates to Migrants**

[Newsweek](#) [2/1/2019 8:19 AM, Chantal Da Silva, 2656K] reports that "mass chaos" erupted at courthouses across the country on Thursday after hundreds of immigrants reportedly appeared for hearing dates issued by the Immigration and Customs Enforcement agency only to discover that their appointments were "fake," according to CBS News. Immigration attorneys told CBS that immigration courts were crowded with long lines of people waiting to find out where their hearings would be held. "It's mass chaos," Ruby Powers, a Houston-based immigration attorney, told CBS News on Thursday. Whereas ICE used to provide Notice to Appear documents, which essentially serve as court summonses for immigration court, with a "to be determined" dates, a recent Supreme Court ruling decided that the agency could no longer hand out notices without providing a set date. In this case, ICE had handed out Notice to Appear documents with the January 31 date. An ICE official explained to Newsweek that while hearings should have been scheduled for that day, they weren't, in part due to the recent partial government shutdown. The ICE official said that while hearings had not been set up for January 31, they were not "fake." Asserting that the date had been provided to ICE by the Executive Office for Immigration Review, the official said the Notice to Appear documents had needed to be filed by January 15 in order for them to be processed before the January 31 hearing date, but due to the government shutdown, ICE was unable to file them until the shutdown was over. The official said that once the Notice to Appear documents were filed with EOIR, that agency would have been responsible for contacting those with immigration court hearings to provide them with any updates on their hearings. Going forward, the ICE official said the agency would be using a digital system that will allow it to select appropriate dates, instead of relying on dates provided by EOIR. "Due to the recent partial lapse in government appropriations, the administrative process to resolve this issue was delayed, resulting in an expected overflow of individuals with Notices to Appear listing immigration proceedings on January 31," ICE spokesperson Jennifer Elzea said in a separate statement. "All appropriate parties are working together to resolve this issue going forward."

### **ICE is Giving Fake Court Dates to Immigrants: Attorneys**

[Diversity Inc.](#) [2/1/2019 1:36 PM, Jayme S. Ganey, 13K] reports in four states — Illinois, Florida, Texas, Virginia—attorneys reported that Immigration and Customs Enforcement (ICE) sent their clients, who are accused of being in the country illegally, an official Notice to Appear (NTA) in court on Jan. 31. Hundreds showed up, only to learn it was a fake court date. A Supreme Court ruling last summer, *Pereira v. Sessions*, mandated that all NTAs include actual dates instead of "to be determined", which had been done in the past. The government didn't prepare a way to ensure real court dates, so ICE just started sending out random dates. On Oct. 31, hundreds of immigrants showed up to wait in long lines for nothing. In December, the Executive Office of Immigration Review issued a rare policy memo telling ICE agents and DHS that courts would reject NTA's with fake dates. That didn't stop the Jan. 31 fake court date. For people who don't have legal representation, they didn't know not to show up. "They feel like someone is screwing with them or playing a terrible joke," Matthew Kriezelman, a Chicago immigration lawyer, told CBS News.

### **Shutdown Bumps 80,000 Immigration Cases, Judge Says**



[Arizona Public Media](#) [2/1/2019 6:53 PM, Staff, 6K, AZ] reports for the thousands of immigrants who have come to the U.S. in recent weeks seeking asylum, their claims join the backlog of hundreds of thousands of cases in immigration court. The shutdown exacerbated the issue as about three-quarters of the country's immigration judges were furloughed. Judges were unable to hear about 80,000 cases, according to Ashley Tabaddor, an immigration judge and president of the National Association of Immigration Judges. "It is likely going to take months and months before those cases can be put on those calendars. And for the people who had trial dates during the shutdown, most likely those trial dates are going to be bumped up to the back of the line," Tabaddor said. "So that means that person will have to wait another two or three or more years before they can present their cases again." Tabaddor also said the backlogs would be eased if the courts were removed from the authority of the Department of Justice and ran independently. "Our courts have to be independent of our prosecutor. Independent of the parties who come before us," Tabaddor said. "What we have seen are the courts being used as a political tool as an extension of law enforcement policies." "We have grown from under 300 judges to over 400 judges. But our backlog has grown from over 600,000 cases to over 800,000 cases. Just having more judges, just throwing more money at it is not going to solve the problem." [Editorial note: consult source link for video]

### **Shutdown Debrief; Immigration Judge on Backlog; No More Deaths Trial**

[Arizona Public Media](#) [2/1/2019 6:53 PM, Kassandra Lau, 6K, AZ] reports on this episode Arizona 360 looked back at the headlines that shaped January with a journalists roundtable that included Arizona Daily Star editorial page editor Sarah Garrecht Gassen, Green Valley News/Sahuarita Sun editor Dan Shearer and The Yellow Sheet editor Hank Stephenson. The panel discussed how local communities and the state responded to help affected families during the partial government shutdown. For the thousands of immigrants who have come to the U.S. in recent weeks seeking asylum, their claims join the backlog of hundreds of thousands of cases in immigration court. The shutdown exacerbated the issue as about three-quarters of the country's immigration judges were furloughed. Judges were unable to hear about 80,000 cases, according to Ashley Tabaddor, an immigration judge and president of the National Association of Immigration Judges. "It is likely going to take months and months before those cases can be put on those calendars. And for the people who had trial dates during the shutdown, most likely those trial dates are going to be bumped up to the back of the line," Tabaddor said. "So that means that person will have to wait another two or three or more years before they can present their cases again." Tabaddor also said the backlogs would be eased if the courts were removed from the authority of the Department of Justice and ran independently. "Our courts have to be independent of our prosecutor. Independent of the parties who come before us," Tabaddor said. "What we have seen are the courts being used as a political tool as an extension of law enforcement policies." "We have grown from under 300 judges to over 400 judges. But our backlog has grown from over 600,000 cases to over 800,000 cases ... Just having more judges, just throwing more money at it is not going to solve the problem." [Editorial note: consult source link for video]

### **5 ways the new Congress can improve our immigration system**

[The Hill](#) [2/1/2019 2:00 PM, Sara Ramey, 3038K] reports whether as part of the government shutdown negotiations or through other legislative efforts, Congress can make a real difference in the lives of immigrants a number of way. Congress should make the Executive Office for Immigration Review – which oversees the Immigration Courts and the Board of



Immigration Appeals – an independent Article 1 courts. Over the past year, the Department of Justice has restricted judicial independence by establishing case completion quotas, limiting the use of continuances, administrative closure and terminations, re-calendaring all 330,211 administratively closed cases on an already overcrowded docket of 809,041. It is unprecedented in our democratic system for the executive branch of government to exercise so much control over the Judicial branch. This is crucial to ensure that judges can do their jobs without being subject to today's political whims and everyone in immigration proceedings can have a fair day in court. The National Association of Immigration Judges, the American Bar Association, and the American Immigration Lawyers Association have all called on Congress to make EOIR independent. Congress held a hearing on this issue in April 2018 and should follow up as soon as possible by passing the necessary legislation. Congress can also take independent action to eliminate the case completion quota so judges don't feel pressured to rush through cases that require time to ensure the respondent has their due process rights protected. They can also pass other legislation to ensure judges have the freedom to effectively and efficiently manage their dockets.

### **[NY] Partial Government Shutdown Pushes Backlog in Immigration Court Towards 1 Million Cases**

[NY1](#) [2/2/2019 3:35 AM, Michael Herzenberg, 47K, NY] reports the partial government shutdown shut down most immigration court cases in the country. The only cases that moved forward were for people who were detained. The Immigration Judges' Union, the National Association of Immigration Judges, says almost 10,000 cases scheduled to be heard in New York were not heard because of the shutdown. That added to the backlog of 108,000 cases that already existed. A Syracuse University analysis found that nationwide, roughly 80,000 immigration cases piled up during the shutdown. Immigration attorney Olga Arandia said she has more than a dozen clients who had immigration court dates scheduled during the 35-day partial government shutdown. Immigration attorneys tell NY1 the shutdown wreaked havoc on filing deadlines. The lines were hours long this week to file documents and the courts are completely overwhelmed. The Immigration Judges' Union says the first day back from the shutdown went surprisingly well in New York because staff came back last weekend to set up. It admits there are now big boxes full of files piled up on top of their regular court calendar. "The huge burden may chart an irreversible course for immigration court," Union Executive Vice President Amiena Khan told NY1. According to Khan, without guidance from higher-ups at the Department of Justice at the Office of the Chief Immigration Judge in the Executive Office for Immigration Review, judges will likely move the newly-delayed cases to the end of their docket. That's generally more than three years from now. [Editorial note: consult source link for video]

### **[NJ] NJ businesses push back against immigration services fraud charges**

[North Jersey Record](#) [2/4/2019 6:00 AM, Steph Solis, NJ] reports some of the New Jersey businesses that were cited last year for allegedly defrauding customers by improperly charging for immigration services have pleaded no contest and started paying penalties. But they insist they have done nothing wrong. The state Attorney General's Office accused 28 businesses of immigration fraud charges in November, alleging that they charged customers in exchange for filling out forms or offered legal advice on immigration matters that can be performed only by an attorney or by a representative accredited by the Board of Immigration Appeals, an appellate body within the U.S. Department of Justice. Since then, at least five businesses have entered into consent agreements with the state in exchange for reduced penalties, paying between \$2,000 and \$12,000 in fines. Two Elizabeth-based



businesses immediately paid the full penalties: QAP total Services Corp. paid \$6,000, and AC Velox Multiservice LLC paid \$12,000. The investigation offered a window into what officials and advocates called an "underground economy" of unlicensed practitioners purporting to be qualified to help in immigration matters. But not all of the business owners who faced penalties agree. Israel Delmonte of MIA Services in Union City said he wasn't a lawyer, but rather a "notario publico" who offered to fill out immigration applications for a fee. When asked about the business owners' complaints, the Attorney General's Office said in a statement that "the law is clear that only attorneys in good standing or individuals authorized by the Department of Justice's Executive Office for Immigration Review" are considered "authorized immigration service providers."

**[TN] Nearly 200 people show up to fake immigration court hearings in Memphis**

[FOX 13](#) [2/1/2019 11:30 PM, Kristin Garriss, 19K, TN] reports nearly 200 people showed up at the immigration court in Memphis for hearings on Thursday – only to find out those hearings didn't exist. This was one of several fake court days that have happened across the country over the past few months. "It was pretty hectic. The security guards and the court administrator were trying to determine who actually had a court hearing and who didn't," said Erica Tamariz, an immigration attorney in Memphis. FOX13 obtained a copy of one of those notices to appear with a "fake date." Tamariz said immigration proceedings can't start until this form is filed with immigration court. FOX13 reached out to the Department of Justice to figure out what happened. In a statement from the Executive Office for Immigration Review, which oversees immigration court, a spokesperson said the government shutdown played a role in the confusion. "In some cases, the cases had been rescheduled to another date, but the lapse in appropriations prevented the immigration courts from issuing new hearing notices far enough in advance of the prior hearing date. In other cases, EOIR did not receive the Notice to Appear in a timely manner." [Editorial note: consult source link for video]

**[CA] Immigration attorneys say ICE has issued fake court hearings to Central Coast immigrants**

[KEYT3](#) [2/1/2019 6:17 PM, Nathalie Vera, 21K, CA] reports immigration lawyers across the nation, including Santa Barbara County attorneys, say Immigration and Customs Enforcement has been issuing fake court hearings. "When somebody gets placed into deportation proceedings, they get a charging document known as a Notice to Appear," or NTA, explained Executive Director at the Santa Barbara County Immigrant Legal Defense Center, Anahi Mendoza. The problem is "they're putting inappropriate, or made up dates. We've heard cases where that date falls on a Sunday," said Santa Barbara-based immigration attorney, Abbe Kingston. CBS News reports immigration lawyers in Chicago, Miami, Texas and Virginia say their clients have been summoned to appear on weekends, odd hours, or dates that simply do not exist, like September 31st. In the past, ICE didn't always specify the date and time for an immigrant's court hearing in an NTA. That changed after a 2018 Supreme Court decision – *Pereira v. Sessions* – requiring ICE to list dates on all notices. "ICE's work around that was to list a date that people are supposed to present themselves that isn't real," said Mendoza. "ICE has issued a date and time, but the immigration court has not put it in their calendar," Kingston added. CBS News reports ICE issued those dates because the agency didn't have access to the court schedule. Government officials advise those looking to verify any scheduled pending hearing and corresponding date(s) to contact DOJ's Executive Office for Immigration Review's Automated Case Information Hotline. [Editorial note: consult source link for video]



## Policy and Legislative News

### **Trump Signals Decision on Border Emergency Could Come Soon**

[Wall Street Journal](#) [2/1/2019 5:45 PM, Peter Nichols] reports that President Trump suggested Friday he is moving closer to invoking a national emergency to build a border wall and teased a possible announcement next week, while ramping up his criticism of House Speaker Nancy Pelosi over Democrats' refusal to back funding for the barrier. In remarks from the White House, Mr. Trump reiterated that he doesn't believe a bipartisan group of lawmakers currently negotiating over border-wall funding will reach a compromise he can accept. The group has until Feb. 15 to reach a deal over federal spending and avoid another government shutdown. Without a deal that underwrites the wall, Mr. Trump suggested he would have no choice but to proclaim a national emergency and build the wall without funds supplied by Congress. "I think there's a good chance we'll have to do it," Mr. Trump said in the White House's Cabinet Room, where he held a meeting with U.S. officials and outside advocates that highlighted crimes they said spring from illegal border crossings. One adviser close to the White House said Trump administration officials are split on whether to proclaim a national emergency and that an internal meeting earlier this week among top White House officials failed to settle the issue. Some top officials have questioned whether such a declaration is an effective strategy, noting that opponents would immediately file suit and derail the effort to build the wall through other means.

Additional reporting:

[Bloomberg](#) [2/4/2019 4:00 AM, Erik Wasson, Laura Litvan and Anna Edgerton]

[Reuters](#) [2/1/2019 1:28 PM, Staff, 49K]

[KADN](#) [2/1/2019 10:17 PM, Doug McKelway, 6K, LA]

### **Trump Shouldn't Declare Emergency to Build Border Wall: CBS Poll**

[Bloomberg](#) [2/3/2019 11:24 AM, Mark Niquette] reports that two-thirds of Americans oppose President Donald Trump declaring a national emergency if Congress doesn't offer up the funds he wants to build a wall on the U.S.-Mexican border, a CBS News poll released Sunday shows. Most survey respondents – 73 percent – also said they want Trump to continue negotiating while keeping the government open, rather than forcing another shutdown when funding expires again in mid-February. A congressional committee is trying to reach an agreement on border security after the record 35-day government closing ended Jan. 25. Trump has said in recent days that negotiations are a "waste of time" because Democrats don't support wall funding, and he said in an interview that aired Sunday on CBS that another government shutdown or declaring a national emergency remain viable options.

### **Trump says San Diego's border barrier works, but it pushes migrants to more dangerous areas**

[NBC News](#) [2/2/2019 7:26 AM, Dennis Romero, 4061K] reports when President Trump argues that the United States needs a wall along the southern border, he likes to point to San Diego's success. There, double and triple barriers fortify the westernmost stretch of the nearly 2,000-mile U.S.-Mexico border as U.S. Border Patrol agents drive SUVs along frontage roads and hover overhead in helicopters. The militarized border touching the communities of Imperial Beach, San Ysidro and Otay Mesa contributed to a 75 percent decline in crossings in the years immediately after fencing was installed in the 1990s, according to U.S. Customs and Border Protection data. The decline mirrors a border-wide



decrease. Apprehensions of those suspected of illegally crossing the entire Southwest border experienced an uptick in 2018 over 2017 to nearly 467,000 but remained at less than half their peak in the 1980s and 1990s, when the Border Patrol racked up 1 to 1.6 million apprehensions. President Donald Trump, who's in a protracted battle to secure congressional funding for his campaign promise to build a wall along the entire length of the Southern border, on Thursday pointed to San Diego's Mexican neighbor, Tijuana, as an example of what can happen with and without a barrier. Trump's proposed wall, based on one of eight prototypes in San Diego, is yet to be authorized by Congress.

**Dear Mr. President, forget the wall for now. Focus on Border Patrol, ICE staffing.**

[San Diego Union-Tribune](#) [2/1/2019 10:00 AM, Editorial Board, 214K, CA] reports it is the symbol of our divided times, but Americans can only consider the arc of President Donald Trump's border wall from his first "BUILD A WALL!" tweet on Aug. 5, 2014, through the 35-day government shutdown that ended on Jan. 25 with Congress resisting Trump's call for \$5.7 billion for a more secure barrier along the U.S.-Mexico border. All this wall talk has prevented nuanced, necessary debates about border security and immigration. Such as on staffing levels of the Border Patrol and the Immigration and Customs Enforcement agency. In his first week in office, Trump signed orders calling for 5,000 more Border Patrol positions and 10,000 more ICE positions than were already authorized. But as the Los Angeles Times reported last Sunday, the agencies have thousands more vacancies than when Trump signed the orders two years ago. Meanwhile, a 2017 Homeland Security inspector general report has questioned the need for 15,000 new officers.

**Ocasio-Cortez, fellow freshmen urge border-security negotiators to cut DHS funding**

[FOX News](#) [2/1/2019 1:23 PM, Brooke Singman and Mike Emanuel, 9216K] reports Democratic Rep. Alexandria Ocasio-Cortez and fellow congressional freshmen on Friday urged negotiators trying to hammer out a border-security compromise and avoid another government shutdown to cut funding for the Department of Homeland Security. Ilhan Omar, D-Minn.; Ayanna Pressley, D-Mass.; and Rashida Tlaib, D-Mich., penned a letter to lawmakers on the bicameral, bipartisan conference committee tasked with drafting new legislation to address border-security and DHS funding. "We write to you today seeking your solidarity and support to enter in to the DHS conference committee process with clear eyes," they wrote, slamming agencies under the Department of Homeland Security, like Immigration and Customs Enforcement and Customs and Border Protection, and urging lawmakers to follow "critical" guidelines to protect immigrant families. The letter was sent one week after Congress passed a short-term spending package to reopen the government after a 35-day partial shutdown-the longest in U.S. history. The original 35-day standoff was triggered after Trump requested \$5.7 billion for border security and barrier funding, and Democrats vowed to block any spending package that included wall funding. The House and Senate agreed to "go to conference" on the bill to fund the Department of Homeland Security. Lawmakers on the committee could potentially come to an agreement on a border security deal as they have done in the past, but whether Trump would support it remains to be seen. The president has signaled that if Congress does not come to an agreement that includes the funding he deems necessary for construction of a wall, he would use his presidential powers to declare a national emergency at the U.S.-Mexico border. Lawmakers on both sides of the aisle have said they would oppose Trump declaring an emergency, saying it could set a dangerous precedent for future presidents who may use the strategy to push their agenda.



### **Democrats push to revive Obama-era aid to illegal immigrants in border talks**

[Washington Examiner](#) [2/4/2019 12:00 AM, Susan Ferrechio, 629K, DC] reports House Democrats are pushing hard to revive an Obama-era program that would keep illegal immigrant families out of detention and instead give them housing, transportation, healthcare, and legal aid to help them claim asylum in the U.S. President Trump ended the Family Case Management Program in June 2017, citing excessive costs and the low rate of enrolled families returning to their home countries. House Democrats want to bring it back to life in some form as part of an effort to reduce the detention of illegal immigrants and instead release them in the United States with some supervision. And they are hoping to negotiate that change in the ongoing border security talks between the two parties. Specifically, Democrats want \$30.5 million added to the family case management budget within the Department of Homeland Security. They also hope family detentions can be phased out this year. Democrats will face off next week against Republicans on the negotiating team who are vying for money to boost border security and specifically barriers sought by President Trump along the southwest border, which Democrats oppose.

The Democratic plan calls for 100,000 illegal immigrants to have access to Alternative To Detention programs, up from 82,000 who are allowed to use those programs currently. Pro-immigration advocates have hailed ATD programs, run by Immigration and Customs Enforcement, as a far more cost-effective and humanitarian way to handle illegal immigration without detention while still ensuring illegal immigrants show up at a later date for immigration court hearings. In addition to the \$30 million for family case management, the House Democratic proposal seeks an additional \$40 million for ATD program case managers, which would add to President Trump's \$184 million overall request to fund the ATD program in fiscal 2019. In total, the Family Case Management Program Trump discontinued in 2017 cost \$17.5 million and served 954 illegal immigrants. "The rates of compliance for FCMP were consistent with other monitoring options ICE exercises under Alternatives to Detention, which proved to be a much better use of limited resources," an ICE spokesman told the Washington Examiner. According to ICE, more illegal immigrants were sent back to their home countries "at a much higher rate" in other Alternative To Detention programs than the Family Case Management Program. ICE said more than 2,200 people supervised under ATD programs were eventually sent home, compared with 15 people enrolled in the FCMP that Democrats seek funding for this year.

Additional reporting: [Breitbart](#) [2/1/2019 4:23 AM, Neil Munro, 2015K]

### **Trump admits no border wall can fix the asylum issue**

[Washington Examiner](#) [2/1/2019 4:19 PM, Eddie Scarry, 629K, DC] reports as important as building more miles of wall on the border is, it will do absolutely nothing to address one of the biggest problems with immigration in Texas, as President Trump just acknowledged. Border Patrol agents at the Rio Grande Valley sector of Texas told me that the pieces of wall constructed in Texas right now are immensely effective in apprehending immigrants crossing from Mexico. As Fox News reporter John Roberts said Friday to Trump in the Oval Office, the wall doesn't actually sit on the border, separating the U.S. from Mexico. The border wall separates the U.S. from more of the U.S., an expansive mass of land covered in brush, trees, and dirt, all the way to the Rio Grande. The river, just a few yards wide, is the border, and a wall can't be built right along hundreds of miles of river. That's why Central Americans are making their way to that particular sector. They know that once they arrive, they're not greeted by a wall, they're greeted by a short trip across a river before they're on American soil. Once they get there, whether it's one person or a family unit, they need only



find an agent to say the magic word: asylum. The thousands of people who claim asylum are instantly given legal protections. Trump admitted that the issue requires more than a wall. [Editorial note: consult source link for video]

### **Pentagon announces nearly 4,000 additional troops heading to U.S.-Mexico border**

[The Hill](#) [2/3/2019 4:06 PM, Brett Samuels] reports that nearly 4,000 additional U.S. troops will be deployed to the southern border to assist Customs and Border Protection, the Pentagon announced Sunday. CNN reported that 3,750 troops will head to the border for 90 days to aid in placing razor wire along the border, as well as with mobile surveillance operations. The deployment will bring the number of active-duty forces in the area supporting Customs and Border Protection to roughly 4,350. Acting Defense Secretary Patrick Shanahan said last week that the department would send "several thousand" additional troops to the border, but declined to be more specific. The additional troop deployment comes amid a standoff between President Trump and congressional Democrats over funding for his desired wall along the southern border. The president has demand \$5.7 billion for the structure, which Democrats have staunchly opposed. The stalemate triggered a partial government shutdown that lasted 35 days. Trump signed legislation to reopen the government until Feb. 15 that did not include money for the wall, but allowed for a bipartisan group of lawmakers to negotiate over border security funding. The president has expressed doubts that the final agreement will be to his liking, raising the prospect of another government shutdown or that he could declare a national emergency to secure money for the wall. The latter measure would likely prompt swift legal challenges.

Reported similarly:

[Washington Post](#) [2/3/2019 8:32 PM, Associated Press]

[Bloomberg](#) [2/3/2019 3:59 PM, Ros Krasny]

[CNN](#) [2/3/2019 4:18 PM, Ryan Browne and Barbara Starr]

[FOX News](#) [2/3/2019 4:18 PM, Staff]

[NBC News](#) [2/3/2019 12:16 PM, Daniella Silva, 4061K]

[Washington Examiner](#) [2/3/2019 4:29 PM, Daniel Chaitin, 629K, DC]

### **Trump administration defends efforts to identify and reunify separated children**

[CNN](#) [2/2/2019 10:13 PM, Priscilla Alvarez] reports the Trump administration defended its efforts to identify and reunify migrant children who had been separated from their undocumented parents along the U.S.-Mexico border in a response to a court order filed Friday. U.S. District Judge Dana Sabraw had ordered the administration to respond to a Health and Human Services Department inspector general report as part of an ongoing family separation lawsuit, Ms. L et al. vs. Immigration and Customs Enforcement et al, by Friday. The government included two declarations from officials – Jallyn N. Sualog, the deputy director for Children's Programs for the Office of Refugee Resettlement, and Jonathan White, commander with the US Public Health Service Commissioned Corps. White is the HHS' agency lead in the Unaccompanied Alien Children Reunification Coordination Group. Sualog, who was involved in reunification efforts, and White detail what HHS did to identify children who had been separated and to reunify them, while facing challenges. White conceded, as the HHS inspector general report showed, that "the effort was challenging because the data that were available for use in identifying possible children of class members were kept by multiple government agencies in different systems."

Additional reporting:



[FOX News](#) [2/2/2019 6:51 PM, Staff, 9216K]  
[Huffington Post](#) [2/2/2019 4:46 PM, Angelina Chapin, 6834K]  
[ABC News](#) [2/2/2019 12:13 AM, Lauren Pearle, 2413K]  
[KQED](#) [2/3/2019 4:26 PM, Julie Small, CA]

### **Trump administration claims reuniting immigrant families is a 'burden'**

[Raw Story](#) [2/3/2019 1:13 PM, Gwendolyn Smith, 590K, DC] reports as part of a lawsuit by the American Civil Liberties Union against U.S. Immigration and Customs Enforcement, Administration officials have admitted that it would take too much effort to reunite families the government separated before it implemented its zero-tolerance policy towards asylum seekers and others that the government enacted last April. HHS has also said that they simply do not know how many children have been separated from their parents – and that because no one implemented any form of record keeping on these separations, it would be an undue "burden" to do so. "The Trump administration's response is a shocking concession that it can't easily find thousands of children it ripped from parents and doesn't even think it's worth the time to locate each of them," said ACLU lawyer Lee Gelernt, via a statement. "The administration also doesn't dispute that separations are ongoing in significant numbers." A Federal Court required that the government reunify all separated families with 30 days last June.

Additional reporting: [Bustle](#) [2/3/2019 1:48 PM, Joseph D. Lyons, 2683K]

### **Report: ICE doesn't always hold contractors accountable**

[Washington Post](#) [2/1/2019 5:32 PM, Associated Press] reports a government report has found that the U.S. Immigration and Customs Enforcement agency doesn't always hold contractors who care for detained immigrants accountable. The report by the Office of the Inspector General dated Tuesday found ICE doesn't routinely impose financial penalties on contractors for deficiencies such as failing to report problems such as sexual assaults or misconduct to the agency. The government report specifically focused on the use of quality assurance plans built into ICE contracts with private companies or governments. The inspector general found only 28 of the 106 facilities it investigated had such plans in their contracts. ICE has more than 200 facilities that detain immigrants, but not all were included in this report. "Instead of holding facilities accountable through financial penalties, ICE issued waivers to facilities with deficient conditions, seeking to exempt them from having to comply with certain detention standards," the report states. Spokesman Matthew Bourke said ICE has a strong record of holding its contractors accountable and the quality assurance plans are a rarely used resource. "U.S. Immigration and Customs Enforcement remains committed to providing a safe and secure environment for all those in its custody," Bourke said in a statement.

Reported similarly:

[Washington Post](#) [2/1/2019 7:04 PM, Maria Sacchetti, 9763K]  
[The Hill](#) [2/2/2019 5:59 PM, Rachel Frazin, 3038K]  
[Huffington Post](#) [2/3/2019 11:13 PM, Mary Papenfuss, 6834K]  
[Roll Call](#) [2/1/2019 5:01 PM, Camila DeChalus, 90K]  
[Government Executive](#) [2/1/2019 2:33 PM, Eric Katz, 47K]  
[Washington Times](#) [2/1/2019 5:53 AM, Stephen Dinan, 527K, DC]  
[Red River Radio](#) [2/1/2019 5:19 PM, Charles Lane, 2K, LA]  
[ABC57](#) [2/2/2019 4:06 PM, Staff, 8K, IN]



[Seattle Times](#) [2/1/2019 2:32 PM, Associated Press, 578K, WA]

**Trump administration to expand wait-in-Mexico measures for asylum-seekers**

[Washington Post](#) [2/1/2019 4:51 PM, Nick Miroff, 9763K] reports an experimental U.S. policy that requires migrants to wait in Mexico while their asylum claims are processed will soon expand to multiple border cities and apply to migrant families, Homeland Security officials said Friday. Since the new measures were implemented this week at the San Ysidro border crossing in southern California, about 12 Central American asylum seekers have been sent back to Mexico after an initial screening, the officials said. All of those applicants were single adults, but the new rules will extend to parents with children "very soon," said one senior Department of Homeland Security official, who insisted on anonymity to tell reporters about the Trump administration's plans for further implementing what it calls the "Migrant Protection Protocols," or MPP. El Paso is the next location being eyed by the administration to apply its wait-in-Mexico measures, DHS officials say, though it is unclear when that could happen. One senior DHS official said the Trump administration intends to forge ahead anyway, positive that Mexican President Andrés Manuel López Obrador's government will continue to take back Central Americans, including families, which now account for roughly half of those crossing the border.

Additional reporting:

[Reuters](#) [2/1/2019 2:13 PM, Delphine Schrank]

[Epoch Times](#) [2/2/2019 2:42 PM, Kimberly Hayek, 221K]

[VOA News](#) [2/1/2019 6:07 PM, Molly McKitterick and Victoria Macchi, 1183K, DC]

[KPBS](#) [2/1/2019 8:44 PM, Jean Guerrero, 28K, CA]

**Immigrant attorneys and reporters were reportedly denied entry into Mexico**

[The Hill](#) [2/2/2019 4:38 PM, Rachel Frazin, 3038K] reports that two immigration attorneys and two reporters told the Los Angeles Times they were not allowed to enter Mexico. All four told the newspaper that they were held by Mexican immigration authorities and sent back to the U.S., saying that a foreign government flagged their passports. Nora Phillips and Erika Pinheiro, the attorneys who were not allowed into Mexico, are on the board of directors of a nonprofit called Al Otro Lado. Al Otro Lado sued Customs and Border Protection in 2017, saying the agency illegally prohibited people from seeking asylum, according to the L.A. Times. "I think this is retaliation," Phillips told the newspaper. "I think this is because we sued the U.S. government. I think it's that we're pointing out gross, flagrant human rights violations being committed by the U.S. government, and they don't like that." One of the journalists denied entry, photographer Kitra Cahana, said she was told "the Americans" were behind the alert on her passport. Photographer Daniel Ochoa of the Associated Press said he was also not allowed into Mexico. Both he and Cahana photographed the migrant caravan, whose members traveled through Mexico in the hopes of settling in the U.S. The State Department declined to comment. U.S. Customs & Border Protection said the Mexican government should be contacted. "CBP did not pass any form of security alerts to the Mexican government on these individuals. They were both processed back into the United States without incident."

Reported similarly:

[Los Angeles Times](#) [2/1/2019 8:00 PM, Kate Linthicum, Cindy Carcamo, and Molly O'Toole]

[Bustle](#) [2/3/2019 11:16 AM, Joseph D. Lyons, 2683K]



### **Illegal immigrants jump the line, making legal immigrants wait**

[Washington Examiner](#) [2/2/2019 12:00 AM, Adam Barsouk, 629K, DC] reports despite political and religious oppression under the Soviet Union, my parents waited their turn and legally immigrated to the U.S. They became doctors and saved thousands of American lives. My Ukrainian aunt, cousin, and other relatives are doctors and other needed professionals. They have struggled constantly to immigrate for decades. Even as other less qualified cross the southern border daily and then cut the line, my family is forced to wait, kept apart by a broken immigration system. President Trump's promise of border security offers them hope that one day, illegal immigration may slow down and their turn will come to arrive legally. Yes, the grueling government shutdown meant further delay in processing applications for people in my family. What's 32 days compared to the almost 20 years they've waited? My family is willing to wait however long it takes for a compromise that could fix our nation's broken immigration system and border security. Considering what's going on now in Ukraine, it's not like they are any less deserving that those fleeing violence and poverty in Latin America.

### **Janet Napolitano on DACA's Enduring Legacy**

[New York Times](#) [2/2/2019 7:30 PM, Cristian Farias, 20737K] reports that for all his efforts to undo the work of the prior administration, President Trump's most striking failure has been his attempt to reverse the Deferred Action for Childhood Arrivals program – a reprieve from deportation President Barack Obama issued nearly seven years ago to undocumented immigrants who were brought to the United States as children. In September 2017, Mr. Trump ordered an end to the program, known as DACA. The administration argued that it was an improper use of executive power that circumvented Congress and protected people who were breaking the law. Beginning in January of last year, a number of judges put a hold on DACA's demise, finding the administration's legal reasoning for ending it weak and in violation of the Administrative Procedure Act. Mr. Trump tried to offer a limited, statutory version of DACA as a bargaining chip during negotiations to end the government shutdown. But when the Supreme Court kept those holds in place while the appeals continued, its barter value was eliminated. As secretary of homeland security under Mr. Obama, Janet Napolitano signed the memorandum that put DACA in place. In a legal twist, she's now defending her handiwork in court, this time as president of the University of California, which has thousands of DACA students and is suing to overturn the DACA reversal.

### **Indigenous activists demand investigation into Border Patrol shooting of young Guatemalan immigrant**

[ThinkProgress](#) [2/1/2019 12:17 PM, Rebekah Entralgo, 402K] reports that members from Indigenous nations gathered outside the Department of Homeland Security Thursday night in freezing temperatures to hold a vigil for the Indigenous Maya children and youth who have died at the U.S.-Mexico border in recent months. Over the last eight months, three Maya children or young adults have either died under the custody of U.S. Customs and Border Protection or been killed by a Border Patrol agent. They include Jakelin Caal Maquin, a 7-year-old girl from Guatemala; Felipe Gomez Alonzo, an 8-year-old boy Guatemalan boy of Maya Chuj descent; and Claudia Patricia Gómez González, a 20-year-old Maya Mam woman who was shot in the head by a Border Patrol officer over the summer. Gómez González had been traveling to the United States from the Guatemalan rural village of San Juan Ostuncalco when she was killed by a border agent who opened fire on a group of undocumented immigrants in Texas. Border Patrol maintains that an agent responded to a report of "illegal activity" in the border town of Rio Bravo and fired his



weapon at least once after a group of people suspected of being undocumented resisted arrest and attacked him "using blunt objects." The three men who witnessed the shooting have been deported by U.S. authorities and the two agencies investigating the incident have yet to release a full account. "We continue to demand that there be a full and complete investigation," Gilberto González, Gómez González father, told the crowd gathered outside DHS headquarters on Thursday, in a phone call from Guatemala. "As we have seen in the cases of our children, many of couldn't even understand what was happening, they couldn't speak Spanish," Juanita Cabrera Lopez, Executive Director of the International Mayan League, told ThinkProgress. There are almost no statistics available on the number of detained Indigenous immigrants in detention, but experts are confident the number has skyrocketed recently to reflect the increase in detentions overall. The reason for this increase in Indigenous migration is likely due to economic hardship and violence in the Northern Triangle, which includes Guatemala, Honduras, and El Salvador.

### **Ghana denies noncooperation with U.S. over deportations**

[Washington Post](#) [2/2/2019 9:11 AM, Francis Kokutse] reports that Ghana's foreign ministry is denying United States allegations of noncooperation in taking back thousands of its deported nationals, which has led to visa restrictions. A statement late Friday by the West African nation notes the restrictions "with concern and disappointment." The U.S. Embassy has said it will start imposing the restrictions Monday following an order by Secretary of State Mike Pompeo. They affect employees of Ghanaian diplomats in the U.S., Ghanaian businessmen and employees of the legislature. The U.S. has asserted that Ghana "has denied or unreasonably delayed" accepting its deported nationals, but Ghana's foreign ministry said it has always cooperated. The latest annual report by U.S. Immigration and Customs Enforcement says 243 Ghanaians were removed during the 2018 fiscal year, down from 305 the previous year. Ghana ranked 20th in the number of nationals deported. The only other African nation in the top 20 was Nigeria, which ranked 17th last year with 369 nationals deported.

Reported similarly:

[CNN](#) [2/1/2019 8:31 AM, Bukola Adebayo]

[Quartz Africa](#) [2/1/2019 8:29 AM, Yomi Kazeem]

### **[ME] Conservative critics target Portland for its support of asylum seekers**

[Press Herald](#) [2/1/2019 4:26 PM, Randy Billings, OR] reports Portland is more than 2,000 miles from the southern U.S. border, but the city found itself in the middle of the national immigration debate this week. Conservative commentator Laura Ingraham said on her broadcast Wednesday, "I don't think the left ... realizes what sort of impact their insane policies are having on the real middle-class working Americans." J. Scott Applewhite/Associated Press Conservative commentators such as Fox Broadcasting Co.'s Laura Ingraham and Stuart Varney seized on a surge in the number of people escaping persecution and violence in Central Africa and coming to Maine's largest city to seek asylum. The Maine Sunday Telegram reported on the trend in December, including the account of one family's arduous escape from Angola through Central America and Mexico to the southern U.S. border. A story about Portland's asylum seekers appeared in the Wall Street Journal this week, catching the attention of national conservative pundits. Critics lamented the trend as an example of liberal policies backfiring on citizens, which prompted Portland's mayor and some city councilors to respond that immigrants are good for the city and remain welcome.



Reported similarly: [WGME](#) [2/3/2019 4:26 PM, Jon Chrisos, ME]

**[CA] Newsom introduces proposal to help California immigrants, asylum seekers**

[KRON](#) [2/2/2019 9:29 PM, Ashley Zavala, 98K, CA] reports Gov. Gavin Newsom is continuing his effort to help the state's immigrants and asylum seekers. Newsom announced his proposal to budget \$25 million for a program to help organizations and nonprofits that assist the groups. "Everybody that we are supporting came here legally. They came in an orderly manner, they're processing as they should be in a remarkably dignified way," said Newsom. The governor hopes to release \$5 million of that as soon as possible to border communities. [Editorial note: consult source link for video]

Reported similarly: [KFI-AM](#) [2/1/2019 3:26 PM, Staff, 14K, CA]

## Legal News

**[MA] Westboro asylum seekers file amended lawsuit over border separation**

[Telegram](#) [2/2/2019 7:08 PM, Brad Petrishen, 70K, MA] reports that two families living in Westboro who were separated after illegally crossing the Mexican border filed an amended lawsuit in federal court this week seeking compensation for themselves and others across the country. "In our view, the defendants' conduct resulted in the unnecessary and unlawful forcible separation of thousands of migrant children from their families," Joseph M. Cacace, one of many lawyers on the case, said Friday. Mr. Cacace, of Todd & Weld in Boston, is one of nine lawyers from six firms representing two Guatemalan families suing former U.S. Attorney General Jeff Sessions and other high-ranking officials personally over the administration's practice of separating parents and children crossing the border. Believed to be the first such suit requesting damages when filed last September, the amended complaint, filed Tuesday in Worcester, adds a new count and makes additional arguments.

**[NY] Judge temporarily blocks deportation of Albany chef**

[Albany Times Union](#) [2/1/2019 7:07 PM, Amanda Fries, 105K, NY] reports when Lisa Pepper-Ngoran didn't hear from her husband that fateful Wednesday, she knew something wasn't right. For years, Capital City Rescue Mission chef Kinimo Ngoran has reported to federal immigration agents without an issue, but on Jan. 23 he went to check in and didn't come home. "We said goodbye in the morning Wednesday, went our separate ways as expected, and I'm still waiting to say goodnight," Pepper-Ngoran said through tears, later describing the moment she learned her husband had been detained. A nugget of hope was delivered shortly after Pepper-Ngoran and her husband's supporters spoke to reporters at the rescue mission Friday morning emphasizing the need to bring Ngoran home – a judge in Rochester had issued a restraining order temporarily blocking any effort to deport Ngoran. The judge's decision ensures that Ngoran will remain in the U.S. at least until a hearing is held on Monday. This comes a day after the couple's petition for a marriage visa was approved after Pepper-Ngoran met with U.S. Immigration and Customs Enforcement in Colonie. ICE spokesman Khaalid Walls said Ngoran was ordered removed from the U.S. by a federal immigration judge in 2004. Courts denied his subsequent appeals. While Ngoran's attorney at the time worked on his appeal, the Department of Homeland Security issued him a temporary stay of deportation, forbidding his immediate removal. Ngoran had been regularly reporting to ICE under an order of supervision issued in 2012 because the agency



was previously unable to obtain a travel document from his home country, Walls said.  
[Editorial note: consult source link for video]

The [Sacramento Bee](#) [2/1/2019 4:15 PM, Mary Esch, 227K, CA] reports that Ngoran, 38, is a citizen of Ivory Coast who arrived in the United States as a stowaway, said Thomas Feeley, Buffalo field office director for U.S. Immigration and Customs Enforcement. "He was previously ordered removed from the U.S. by a federal immigration judge in 2004, and the courts subsequently denied his exhaustive appeals over the years," Feeley said.

Reported similarly:

[WBNG](#) [2/1/2019 2:29 PM, Staff, 21K, NY]

[WAMC](#) [2/1/2019 3:40 PM, Dave Lucas, 10K, NY]

### **[NY] ICE-cold wrong: Treating immigrants unfairly, in and out of court**

[New York Daily News](#) [2/1/2019 7:43 PM, Editorial Board, 1101K, NY] reports that undocumented immigrants looking over their shoulders aren't imagining things: Their prospects for a fair chance to have their right to remain in the land of freedom are growing dimmer by the day. In jail cells where, increasingly, those who wait under lock and key to hear their fate have no criminal convictions, their arrests — putting them into detention for fast-track deportation hearings — have quadrupled in New York City over the last three years. Immigration and Customs Enforcement, the feared ICE, views merely having a criminal charge pending, in a nation where all are innocent until proven guilty, as reason not only to slap on the cuffs, but to put out press releases crowing about their savage catches, sweeping 118 convicted or charged in a five-day operation last month. The far greater number who face deportation in freedom must contend with massively backlogged immigration courts made even more chaotic by the federal government shutdown, where the wait in New York for a hearing now stretches nearly two years, for more than 105,000 and growing. When they get to court, the chances they'll win permission from a judge to stay are sinking like a stone. In 2016, four in five won their cases. Now it's fewer than half. It is in this dismal climate that last week, the district attorneys of Manhattan, the Bronx and Brooklyn threw their support behind a bill from Assemblymember Michael Solages and Sen. Brad Hoylman that would bar ICE and other law enforcers from outside New York from courthouses to enforce immigration law, or arresting anyone in or on their way to or from court, without a warrant — not least because ICE presence scares away witnesses who must testify to crimes.

### **[GA] Immigration activist Eduardo Samaniego agrees to return to Mexico**

[MassLive](#) [2/1/2019 10:37 AM, Patrick Johnson, 168K, MA] reports Eduardo Samaniego, a former Hampshire College student and immigration activist, has apparently agreed to be released from U.S. custody in exchange for being returned to his native Mexico. Samaniego, who has been in Immigration and Customs Enforcement detention facilities in Georgia for 106 days, agreed to a "voluntary departure," according to a statement issued by Rose Bookbinder of the Pioneer Valley Workers Center. The workers center charges that he was denied due process, his lawyers were not allowed to present his case in court, and that he was mistreated by immigration officials. "After 106 days in detention, 3 weeks of which were spent in solitary confinement, Eduardo's only option to be free from the horrors of incarceration was to agree to voluntary departure," the statement reads. Since he has been in custody, his treatment at the hands of immigration officials has served as a rallying cry for his supporters in Western Massachusetts.



Reported similarly:

[WWLP](#) [2/1/2019 6:52 PM, Jennifer Zarate, 55K, MA]

[Daily Hampshire Gazette](#) [2/1/2019 4:27 PM, Dusty Christensen, 13K, MA]

[Centre Daily Times](#) [2/1/2019 11:20 AM, Staff, 25K, PA]

### **[TX] Nueces County leaders bump heads on prosecutors' new policy for undocumented inmates**

[Corpus Christi Caller Times](#) [2/1/2019 3:49 PM, Beatriz Alvarado, 7K, TX] reports that Nueces County prosecutors were asked to dismiss or "no charge" nonviolent felony cases against defendants who are also facing immigration violations, according to an August internal email provided to the Caller-Times. District Attorney Mark Gonzalez justified the new policy as a money-saving effort. Nueces County Sheriff John Chris Hooper, who oversees the jail, sees Gonzalez's move as one that puts costs above due process and that's not something he can get behind. The district attorney's new policy applies only to people who have been issued an immigration detainer by Immigration and Customs Enforcement, or ICE. A detainer is a notice from ICE for a jail to hold an inmate for up to 48 hours after they're eligible for release. This is to give federal officials time to pick them up. Dismissing or not charging a nonviolent felony case against someone who is also facing deportation shortens their stint at the jail and expedites their federal-level prosecution for their immigration violation. There is no way to accurately gauge the cost to the jail for housing an inmate, so a general formula of \$81 per day, per inmate, is used, Hooper said. Nueces County Jail reported having 39 inmates with detainers in September, which, according to the formula, cost about \$21,000. Hooper argues the new policy creates a public safety issue if the person ultimately isn't deported. He pointed out there is no system in place for the case to make its way back to the district attorney's office if the federal charges against them don't result in deportation. "If that person doesn't get deported, federal officials can always contact our office," Gonzalez said. Gonzalez doesn't consider it a free pass because he said it's unlikely the person would be able to stay in the country with any criminal offense on their record, even if the person wasn't charged, he said. Corpus Christi attorney Allison Ramos, who mostly handles immigration cases, echoed his sentiment. Even if it's dismissed or not charged, a federal judge has access to the person's case file, which would include the police report, she pointed out. "They still have to see an immigration judge. The judge will request the case file even if it's been dismissed."

### **[AZ] Migrant Shelter Worker Who Sexually Abused Kids Sentenced To Prison For 19 Years**

[The Daily Caller](#) [2/2/2019 4:23 PM, Neetu Chandak, 867K, DC] reports an Arizona migrant shelter worker was sentenced to 19 years of prison for sexually abusing "numerous teenage boys" between August 2016 and July 2017. Levian Pacheco, 25, sexually abused seven boys, some on multiple occasions, at Casa Kokopelli Southwest Key Facility in Mesa, Arizona. Abuse included touching the boys' genitalia over clothes, according to a statement from the U.S. Attorney's Office in Arizona. He was sentenced Jan. 14, and the Department of Justice's release was published Friday. He was previously convicted of three counts of sexual abuse of a ward and seven counts of abusive sexual contact with a ward, according to the press release. Pacheco's sentence was increased because he exposed some of the boys to human immunodeficiency virus. The teenagers were facing possible deportation while in the facility, the news statement said.



### **[CA] NPR sues Adelanto over public records access**

[Victorville Daily Press](#) [2/3/2019 6:40 AM, Garrett Bergthold, 6K, CA] reports that in a lawsuit filed Wednesday, National Public Radio alleged the city failed to obey the state's public records law. The suit alleges the city unlawfully denied NPR reporter Tom Dreisbach access to public records he sought regarding living conditions at the Adelanto Detention Center. The lawsuit asks the court to order the city to release the records. In 2010, Geo Group, one of the two largest private prison corporations in the United States, purchased the prison located on Rancho Road from the city for \$28 million. It expanded in 2012 and today reigns as the largest immigration detention center in California. Since 2011, the city has acted as a pass-through agency in an agreement that allows U.S. Immigration and Customs Enforcement to hold immigration detainees at the facility. ICE pays Adelanto for the service, then the city pays GEO Group. The city collects administrative fees for its part. According to the lawsuit, Dreisbach requested public records from ICE in August 2018. He sought information about "emergency grievances" made by detainees, along with the staff's responses, plus information on the use of force, including audio and visual records. ICE denied his requests, telling Dreisbach to contact the detention center directly. The city denied Dreisbach's request, saying it did not possess "public records responsive to the request" because it did not have "actual and constructive possession" of the records, according to the lawsuit. Dreisbach then requested the records directly from Geo Group, which denied his requests and directed him back to ICE. Lori K. Haley, a U.S. Immigration and Customs Enforcement spokeswoman, said she is unable to comment on lawsuits.

## **Enforcement News**

### **Undocumented Workers Lose Their Jobs at Yet Another Trump Property**

[New York Times](#) [2/2/2019 1:07 AM, Miriam Jordan and Ben Protess, 20737K] reports President Trump's family business has employed undocumented workers more broadly than it was previously believed, with multiple workers losing their jobs last month at a Trump golf club in southern New Jersey. The club in Pine Hill, N.J., known as the Trump National Golf Club Philadelphia, was the third Trump property where undocumented workers have been fired since The New York Times reported in December that the Trump club in Bedminster, N.J., for years employed immigrants who were in the country unlawfully. The president's company terminated about a dozen undocumented workers at the Bedminster property after the article was published, as well as a dozen workers at the Trump National Golf Club Westchester, in Briarcliff Manor, N.Y. People familiar with the terminations at Pine Hill said that about five workers at that property were fired or told not to report to work again, including two seasonal employees who were not scheduled to work until the spring. One of the people familiar with the matter said that many other seasonal workers expected to be told not to return in the coming weeks.

Reported similarly: [The Hill](#) [2/1/2019 10:23 PM, Tal Axelrod, 3038K]

### **The tale of the tape: The reality of human trafficking is nothing like Trump's version**

[Yahoo! News](#) [2/1/2019 8:35 PM, Caitlin Dickson, 216426K] reports about two and a half years ago, a 17-year-old named Isaac and a group of other migrants from Central America followed a smuggler to the southwest border of the United States near McAllen, Texas. Within minutes of crossing the border, Isaac and the others were surrounded by a group of men who took them to a trailer park and held them captive, demanding a ransom from their relatives in the United States. "He was threatened with guns, beaten at least once and



threatened with death a few times," said Robert Painter, an attorney at American Gateways, a Texas-based nonprofit that provides legal services to particularly vulnerable immigrant populations, including survivors of human trafficking. Unable to call his aunt and uncle, Isaac was held for two to three weeks, Painter says – a relatively brief stint compared to the years many trafficking victims spend in captivity – before escaping and uniting with his relatives in Texas. About a year later, he was apprehended by ICE agents during a worksite raid and taken to immigration detention where, upon hearing his story, a legal service provider from American Gateways identified him as a trafficking victim. According to Painter, who is now defending Isaac against deportation, his young client's experience is "a pretty good example" of the kinds of trafficking scenarios immigrants typically encounter in the Rio Grande Valley and elsewhere, where people who have just crossed the border are held for ransom, physically and sexually assaulted and forced to work indefinitely. The reality on the border suggests a wall isn't going to help. Painter noted that for clients like Isaac, who are already in removal proceedings, changes to immigration court procedure have also imposed major hurdles to securing a T visa. In May 2018, then Attorney General Jeff Sessions revoked immigration judges' authority to "administratively close" a case, or temporarily put proceedings on hold before issuing a decision.

### **Deportation in the Shadows**

[City on a Hill Press](#) [2/1/2019 5:37 PM, Staff, CA] reports as America watches border patrol agents throw gas canisters and tear children from their parents at the nation's southern border, the White House is quietly preparing to detain 7,000 Vietnamese residents and deport them across the Pacific Ocean. Donald Trump's policies hurt immigrants and, for this administration, that's the point. He argues immigration is an issue of law and justice – an issue separate from compassion. We can't afford to narrow our lens on what's happening in our nation. America's Vietnamese community cannot disappear. In 2008, the U.S. signed a repatriation agreement with Vietnam, blocking the deportation of Vietnamese refugees born before July 12, 1995. The agreement was an attempt to redress the horrors of the Vietnam War – a war that took the lives of 3.1 million Vietnamese people and forced 125,000 to flee their homes. Still, the administration is calling these asylum seekers "violent criminal aliens." This sweeping generalization undermines the character of America's immigrants. It justifies the administration's reprehensible policies. It's a way to divert attention from the reality of Trump's strategy. In 2017, the Trump administration began reinterpreting the deportation agreement to exclude refugees convicted of crimes.

### **[VT] The Deeper Dig: Blocked at the border**

[VT Digger](#) [2/1/2019 6:24 PM, Mike Dougherty, 18K, VT] reports last fall, a Congolese asylum seeker named Bienfait fled death threats in his home country. But his journey to Canada was cut off at the border crossing in Derby Line, Vermont. Bienfait came from the Democratic Republic of Congo, where he was targeted by violent gangs for being Hutu. A French speaker, he hoped to reach Montreal. But Canadian border agents sent him back to the U.S. side of the northern border, in accordance with a 15-year-old policy called the Safe Third Country Agreement. Under the agreement, Canada and the U.S. require asylum seekers to stay in the country where they first arrive, essentially recognizing each other as "safe" for refugees. Since Bienfait had first traveled through the United States, he was turned back to U.S. immigration authorities, then detained in an ICE facility in New Hampshire. Arriving just after a wave of national news about the "migrant caravan," Bienfait knew that getting asylum in the U.S. wouldn't be easy. "I saw my chances shrink," he said. But Bienfait is not alone. Attorneys from the New Hampshire ACLU, who are helping with



his case, say they're representing several clients who have been blocked by the Safe Third Country Agreement. And in light of the Trump administration's immigration enforcement policies, some Canadian politicians are wondering whether the Safe Third Country Agreement is sending refugees into a hostile U.S. immigration system. On this week's podcast, Bienfait tells VTDigger's Elizabeth Hewitt and Lola Duffort about why he fled to North America, and why he hopes he'll be allowed to remain. [Editorial note: consult source link for audio]

**[MA] Mass. man gets 5 years for role in international drug ring**

[Providence Journal](#) [2/1/2019 6:58 PM, Staff, 51K, RI] reports a Massachusetts man identified as a key player in a three-state New England drug-trafficking operation has been sentenced to 60 months in federal prison, according to a news release from the office of U.S. Attorney Aaron L. Weisman. Vladimir Arias, 33, of Peabody, was identified in court documents as a trusted courier of a significant heroin and fentanyl supplier in the Dominican Republic known as "The Maestro," according to the news release. Authorities said Arias was responsible for moving drugs into New England and collecting tens of thousands of dollars at a time from the drug-trafficking operation, which operated primarily from stash houses in Cranston and Woonsocket. The drug-trafficking operation was organized and directed by three brothers: Juan, Claudio and Hector Valdez, according to the release. The Valdez brothers supplied heroin and fentanyl to dealers around Boston, Providence and Hartford. The Valdez brothers have already been sentenced in the case, which arose out of a federal investigation dubbed "Operation Triple Play." Immigration and Customs Enforcement has lodged immigration detainers on all three, each of whom reentered the country illegally from the Dominican Republic after having been previously convicted of felony drug crimes and deported. ICE has also lodged an immigration detainer on Arias, who ICE says admitted to law enforcement that he had entered the country illegally through Mexico.

**[TN] Driver charged in Pierce Corcoran traffic death back in ICE custody**

[WATE](#) [2/1/2019 7:58 PM, Staff, TN] reports that a spokesperson with Immigration and Customs Enforcement says the man charged in connection with the traffic crash that killed the son of a Knoxville fire captain has made bond and is back in ICE custody. ICE spokesperson Brian Cox told WATE 6 On Your Side that Franco Francisco-Eduardo, 44, has been placed back into their custody. Francisco-Eduardo is charged with criminally negligent homicide in the death of Pierce Corcoran, son of Knoxville Fire Department Capt. D.J. Corcoran. Prosecutors say Francisco-Eduardo is in the United States illegally. According to the investigation, a Chevrolet pickup truck was traveling north on Chapman Highway on December 29 when it crossed into the southbound lanes of traffic striking a Honda Civic that was traveling south on Chapman Highway, which resulted in a chain reaction crash. Corcoran was killed in the crash while his passenger suffered injuries. Francisco-Eduardo's case was bound to the grand jury two weeks ago.

Reported similarly:

[WBIR](#) [2/1/2019 8:35 PM, Lauren Hoar, 55K, TN]

[Knox News](#) [2/1/2019 5:07 PM, Matt Lakin, TN]

**[TN] Dad facing deportation returns home after small Tennessee town's letter-writing campaign**



[WZTV](#) [2/1/2019 9:56 AM, Nikki Junewicz, 39K, TN] reports a Cannon County man was separated from his wife and children. In addition to being a loving husband and father, Shaqun Zhao is a small business owner, who feeds his own family by feeding an entire community, running a Chinese restaurant. The restaurant is located Woodbury, Tennessee, a small town about a 20 minute drive east of Murfreesboro. For six months Shaqun sat in a detention center two states away, with no clear way of returning home soon. He got detained after appearing for an interview at a Nashville immigration office while trying to obtain a Green Card. Zhao entered this country illegally nearly 20 years ago seeking a better life, stronger education, and more opportunities for his kids than what he had in China. 75% of Cannon County voted for President Trump and his hard line on immigrants, but the people of Woodbury didn't see an illegal immigrant in their midst. They launched a letter writing campaign to bring him home. The massive effort even got folks in Woodbury to re-think if a hardline immigration policy is the way to go. Thea and Joe Prince are considered the leaders of the letter-writing campaign to free Zhao. Zhao's family was emotional and grateful for this tight knit community's support. Ya Ling Zhao, Shaqun's 15-year-old daughter, says because immigration officials did not consider him a flight risk, he was allowed to return to Woodbury under the condition he would check in monthly at a Nashville immigration office. Zhao is continuing to pursue his Green Card so he can stay in this country legally.

**[GA] Rapper 21 Savage arrested by ICE agents, who say he's from the United Kingdom, not Atlanta**

[Washington Post](#) [2/3/2019 5:15 PM, Travis M. Andrews, 9763K] reports U.S. Immigration and Customs Enforcement agents took Sha Yaa Bin Abraham-Joseph, better known as rapper 21 Savage, into custody early Sunday morning in Atlanta after a "targeted operation with federal and local law enforcement partners." Though he is often touted as a local Atlanta rapper, ICE officials say he is actually "a United Kingdom national" and has overstayed his visa. "Mr. Abraham-Joseph initially entered the U.S. legally in July 2005, but subsequently failed to depart under the terms of his nonimmigrant visa and he became unlawfully present in the U.S. when his visa expired in July 2006," ICE spokesman Bryan Cox told The Washington Post in a statement. "In addition to being in violation of federal immigration law, Mr. Abraham-Joseph was convicted on felony drug charges in October 2014 in Fulton County, Georgia," the statement added. The rapper has been placed in "removal proceedings before the federal immigration courts," Cox said. "ICE will now await the outcome of his case before a federal immigration judge to determine future actions." ICE says he was born in the United Kingdom and entered the country in the summer of 2005. "His whole public persona is false. He actually came to the U.S. from the U.K. as a teen and overstayed his visa," an ICE spokesperson reportedly told CNN correspondent Nick Valencia.

Reported similarly:

[New York Times](#) [2/3/2019 10:35 PM, Sandra E. Garcia, 20737K]  
[Huffington Post](#) [2/3/2019 5:24 PM, Nina Golgowski, 6834K]  
[CNN](#) [2/3/2019 8:12 PM, Eric Levenson and Nick Valencia, 5847K]  
[FOX News](#) [2/3/2019 4:07 PM, Jessica Sager, 9216K]  
[NBC News](#) [2/3/2019 11:30 AM, Janelle Griffith, 4061K]  
[Associated Press](#) [2/3/2019 5:30 PM, Staff]  
[Los Angeles Times](#) [2/3/2019 3:50 PM, Sonaiya Kelley, 3575K]  
[USA Today](#) [2/3/2019 6:48 PM, Cydney Henderson, 6053K]  
[People](#) [2/3/2019 4:13 PM, Maria Pasquini, 2648K]



[Bustle](#) [2/3/2019 8:21 PM, Caitlin Cruz, 2683K]

[Slate](#) [2/3/2019 8:06 PM, Matthew Dessem]

[Uproxx](#) [2/3/2019 4:15 PM, Derrick Rossignol]

[E! News](#) [2/3/2019 4:42 PM, Corinne Heller]

[Atlanta Journal-Constitution](#) [2/3/2019 4:00 PM, J.D. Capelouto, GA]

[WSB-TV](#) [2/3/2019 3:58 PM, Staff, GA]

**[GA] Retired judge: Shut down this immigrant detention center**

[Houston Chronicle](#) [2/3/2019 1:00 AM, Pat E. Morgenstern-Clarren, 199K, TX] reports I recently spent a week as a retired-judge-turned-volunteer-lawyer at Stewart Detention Center in Lumpkin, Ga., helping immigration detainees get out of that tiny town so they can find lawyers. By week's end, I'd concluded that Stewart should be shut down. Here's why: Lumpkin has fewer than 1,200 locals plus up to 1,900 men delivered by U.S. Immigration and Customs Enforcement to Stewart from across the country, including Texas. It's also home to Southeast Immigrant Freedom Initiative or SIFI, a nonprofit whose lawyers help detainees win release on bond so they can move to larger cities such as Houston where lawyers will represent them without charge. Such a move dramatically increases detainees' chances to win asylum and other relief. According to a leading study in the University of Pennsylvania Law Review, detainees in small cities like Lumpkin are four times less likely to obtain counsel than those with hearings in large cities. Detainees with counsel are 10½ times more likely to succeed on their merits case than unrepresented ones.

**[FL] Deported to Mexico, wife of Polk County Marine veteran calls life away from U.S. 'a nightmare'**

[Orlando Sentinel](#) [2/1/2019 3:45 PM, Lisa Maria Garza, 170K, FL] reports six months after Alejandra Juarez's deportation to Mexico, her 17-year-old daughter Pamela sits alone at a large dining room table doing homework in their Davenport home. Her 9-year-old sister Estela isn't prancing and singing around the hallways. She moved to Mexico with their mother and is going to a new school, trying to assimilate into the culture as an American. Pamela stayed behind with her father, Cuauhtemoc "Temo" Juarez, a Marine veteran who works long hours and travels for his contracting business. Alejandra Juarez, 39, was deported in August amid President Donald Trump's zero-tolerance immigration policy despite years — and thousands of dollars for lawyers — trying to fix her undocumented status, which was revealed during a 2013 traffic stop. It's been a long and winding journey for Alejandra Juarez since 1998, when, fleeing death threats and a life of poverty in Mexico City, she entered the U.S. illegally by falsely claiming to a Customs and Border Patrol agent that she was an American citizen. During an interrogation, Juarez — who only spoke Spanish at the time — admitted she is Mexican and said she unknowingly signed paperwork in English to avoid federal detention but also bans her future rights to a permanent resident card, visa or a path to naturalized citizenship. She briefly returned to Mexico but soon crossed over into the U.S. undetected, married Temo, now 42, in 2000 and settled down in Central Florida. She was previously considered "low priority" for removal but ICE no longer exempts any undocumented immigrant from potential enforcement under orders from the Trump administration.

Reported similarly: [Orlando Sentinel](#) [2/1/2019 3:10 PM, Staff, 170K, FL]

**[OH] Mauritians being deported despite US acknowledging crime, terror, slavery in homeland**



[Columbus Dispatch](#) [2/4/2019 5:51 AM, Danae King, OH] reports the U.S. refuses to trade with the Islamic Republic of Mauritania and warns citizens against traveling there, but the government is still sending black Mauritians back to the country even though they could be arrested, tortured and enslaved or killed, local and national advocates say. U.S. Immigration and Customs Enforcement has been deporting black Mauritians since this summer with little consideration for what they could face when they go back to a country that doesn't recognize them because of their skin color, they say. The deportations began, after years of the government letting Mauritians stay in the U.S. as long as they checked in with ICE, after President Donald Trump changed policy to classify every undocumented immigrant, and not just those who had committed crimes, as a priority for deportation. Mauritians living in central Ohio — which has the biggest concentration of Mauritanian natives in the country with more than 3,000 — and their attorneys say little has improved and deportations continue. Attorneys said they've run into issues because the removal process can happen quickly once people are detained, not giving them time to fight their cases. "Federal immigration law provides robust procedures for aliens to challenge their removal from the United States before an immigration judge," said Brendan Raedy, an ICE spokesman. "If, after these full and fair procedures are provided, an alien is ordered removed and denied relief from removal by an immigration judge or appellate tribunal, it is ICE's legal duty to execute the alien's removal order."

**[MI] ICE set up a fake university. Hundreds enrolled, not realizing it was a sting operation.**

[Washington Post](#) [1/31/2019 7:08 AM, Antonia Noori Farzan, 9763K] reports on its website, the University of Farmington advertised an innovative STEM curriculum that would prepare students to compete in the global economy, and flexible class schedules that would allow them to enroll without disrupting their careers. The Michigan-based school touted the number of languages spoken by its president and the number of classes taught by teaching assistants. Photos of the campus showed students lounging around with books on a grassy quad or engaged in rapt conversation in its brightly lit modern library. But there were no classes taking place at the university, which employed no instructors or professors. In court filings that were unsealed Wednesday, federal prosecutors revealed that the school was being run by undercover agents working for U.S. Immigration and Customs Enforcement. The phony university was "being used by foreign citizens as a 'pay to play' scheme," prosecutors allege. Eight people who allegedly worked as "recruiters" for the school and collectively helped at least 600 students to remain in the country under false pretenses now face federal conspiracy charges. Khaalid Walls, a spokesman for ICE in Detroit, told local news station WXYZ that the students had entered the United States legally on F-1 visas after being accepted to legitimate schools and had later transferred to the University of Farmington. The eight recruiters allegedly helped create fraudulent records, including transcripts, that students could give to immigration authorities. Authorities contend that they collectively accepted more than \$250,000 in kickbacks for their work, not realizing that the payments were actually coming from undercover agents who worked for Homeland Security Investigations, a division of ICE.

The [New York Times](#) [2/3/2019 2:01 PM, Reuters, 20737K] reports, "Homeland Security Investigations special agents uncovered a nationwide network that grossly exploited U.S. immigration laws," Steve Francis, the Homeland Security Investigations special agent in charge, said in the statement. "These suspects aided hundreds of foreign nationals to remain in the United States illegally by helping to portray them as students, which they most certainly were not."



[Detroit Free Press](#) [2/3/2019 5:02 PM, Niraj Warikoo, 334K, MI] reports India's government is urging the U.S. to release 129 Indian foreign students who were detained by U.S. Immigration and Customs Enforcement for enrolling in the fake university. In a strongly-worded statement, India's Minister of External Affairs expressed concern about the arrests of Indian students, calling their welfare its "highest priority." India asked the U.S. not to deport the students, many of whom were trying to work and earn master's degrees. "We have urged the U.S. side to share full details and regular updates of the students with the Government, to release them from detention at the earliest and not to resort to deportation against their will," read the statement issued Saturday. Attorneys say they are hoping the 130 students can get hearings soon in front of federal immigration judges.

The [Financial Express](#) [2/2/2019 8:48 AM, Staff] reports the sweep was one of the largest targeting immigrants from India in recent years, immigration attorneys said. In the nationwide sweep, federal agents with ICE arrested "130 foreign nationals on civil immigration charges," ICE spokesperson Carissa Cutrell had told the Free Press on Thursday.

Reported similarly:

[U.S. News & World Report](#) [2/3/2019 5:14 AM, Staff, 2894K]

[Today](#) [2/2/2019 4:26 PM, Staff]

[Legal Reader](#) [2/1/2019 6:11 PM, Ryan J. Farrick, 3K]

[LexBlog](#) [2/1/2019 3:37 PM, Natalie S. Tynan, 2K]

[WPLG](#) [2/1/2019 5:49 PM, Staff, 27K, FL]

[CBS Detroit](#) [2/1/2019 2:48 PM, Staff, 24K, MI]

[BBC](#) [2/3/2019 2:38 PM, Staff, UK]

#### **[TX] ICE confirms it is force-feeding detainees on hunger strike**

[Washington Post](#) [2/2/2019 4:50 PM, Amy B. Wang, 9763K] reports that Immigration and Customs Enforcement officials have confirmed they are force-feeding nine detainees who initiated a hunger strike at an El Paso detention center. Ten detainees at the facility are under a self-imposed hunger strike, ICE spokeswoman Danielle Bennett said in an email Saturday. Of the 10, nine are from India, and one is from Nicaragua, Bennett said. Nine of them missed nine consecutive meals, triggering ICE's hunger strike protocols – medical evaluations and health monitoring. At various points in mid-January, a federal judge ordered the nine to be fed and hydrated without consent, according to ICE. ICE's update comes on the heels of a report by the Associated Press, which revealed on Wednesday that six detainees were being force-fed at the El Paso facility. They are on a hunger strike to protest "rampant verbal abuse and threats of deportation from guards." The AP report triggered outrage from lawmakers and human rights groups who decried the practice as "cruel, inhuman and degrading."

One detainee on a hunger strike detailed to the wire service the excruciating experience of guards dragging him from his cell and constraining him to force-feed him through a nasal tube. "They tie us on the force-feeding bed, and then they put a lot of liquid into the tubes, and the pressure is immense so we end up vomiting it out," the detainee, identified only by his surname, Singh, told the AP. "We can't talk properly, and we can't breathe properly. The pipe is not an easy process, but they try to push it down our noses and throats." ICE has not identified the detainees being force-fed, beyond their countries of origin. ICE has said it "fully respects the rights of all people to voice their opinion without interference" and that



agency health officials have explained to the detainees the negative health effects of going on a hunger strike. ICE does not retaliate in any way against hunger strikers," the agency said in a statement. "For their health and safety, ICE closely monitors the food and water intake of those detainees identified as being on a hunger strike."

The [Washington Post](#) [2/3/2019 12:05 PM, Garance Burke and Martha Mendoza] reports additionally that another four detainees are on hunger strikes in the agency's Miami, Phoenix, San Diego and San Francisco areas of responsibility, agency spokeswoman Leticia Zamarripa said. She did not say whether they were being force-fed.

The [Miami New Times](#) [2/1/2019 2:54 PM, Jerry Iannelli, 66K, FL] reports at least one Immigration and Customs Enforcement detainee in the "Miami field area" – which includes Florida, Puerto Rico, and the Virgin Islands – is on a hunger strike to protest detainment, ICE officials have confirmed to New Times. The ICE spokespeople declined to say where the person is located or how he or she wound up in custody. The agency disclosed the news this week to the Associated Press. ICE Miami spokesperson Nestor Yglesias replied to a New Times email saying he is in Atlanta monitoring the Super Bowl because the game is slated to be held in Miami in 2020. ICE regularly conducts human-trafficking raids at football's biggest game and makes a habit of busting people who sell counterfeit merchandise – critics call this a "propaganda blitz" to make the deportation agency look good. [Editorial note: consult source link for video]

Reported similarly:

[The Hill](#) [2/3/2019 2:38 PM, Michael Burke]

[Salon](#) [2/2/2019 12:46 AM, Igor Derysh, 758K]

[Newser](#) [2/2/2019 3:00 PM, Neal Colgrass, 197K]

[VOA News](#) [2/2/2019 1:50 PM, Staff, 1183K, DC]

[WIMS](#) [2/1/2019 12:25 PM, Staff, IN]

[Texas Monthly](#) [2/1/2019 1:07 PM, Robert Moore, TX]

[KTLA](#) [2/1/2019 9:27 PM, Staff, 267K, CA]

[ABC 7 San Francisco](#) [2/1/2019 11:30 AM, Cheyenne Haslett, 4K, CA]

### **[TX] Man gets 60 years for impregnating 11-year-old in Texas**

[Washington Post](#) [2/2/2019 5:57 PM, Associated Press] reports that a Dallas-area man has been sentenced to 60 years in prison after impregnating an 11-year-old girl. Collin County prosecutors said in a statement Friday that 37-year-old Roli Lopez-Sanchez of Plano had been found guilty of continuous sexual abuse of a child. He won't be eligible for parole or good time credit. Prosecutors say medical workers notified police in February 2018 after the pregnant victim came to their office. Lopez-Sanchez had ongoing access to the girl at the time. Child Protective Services investigated and removed her and her siblings from the home. Authorities say the girl was 12 when she gave birth over the summer, and a DNA sample confirmed that Lopez-Sanchez was the infant's father. Lopez-Sanchez, jailed since his February 2018 arrest, also faced a federal immigration detainer.

Reported similarly: [Breitbart](#) [2/3/2019 3:58 PM, Bob Price]

### **[TX] Illegal immigrant with multiple child sex abuse convictions arrested in Texas traffic stop, cops say**



[FOX News](#) [2/1/2019 1:41 PM, Cody Derespina, 9216K] reports an illegal immigrant who's served at least three stints in U.S. prisons for sexually abusing children was reportedly arrested during an early morning traffic stop in Texas on Wednesday. Marvin Yovani Mejia Ramos, 50, had given a fake name but was arrested after the deputy who stopped him on 69 North ran an onsite fingerprint scan that revealed his identity, KHOU.com reported. A Mexican national, Ramos was turned over to the Department of Homeland Security after his arrest. "Mejia Ramos is a very dangerous convicted criminal that is in our country illegally," Precinct 4 Constable Kenneth Hayden said in a Facebook post. Ramos served eight years in Lancaster, California for continuous sexual assault of a child. In Los Angeles, he served six years for perjury, six years for sexual assault of a child and two years for lewd acts with a child under the age of 14, Montgomery County Pct. 4 Constables wrote on Facebook. He had been deported in 2013 and again in 2015 after a DWI arrest, the Houston Chronicle reported.

Reported similarly:

[Breitbart](#) [2/2/2019 11:53 AM, Bob Price, 2015K]

[Epoch Times](#) [2/2/2019 1:07 PM, Janita Kan, 221K]

[WGY-AM 810](#) [2/1/2019 11:20 PM, Sean Hannity, 1K, NY]

### **[CO] Immigration Detention Facility in Aurora Expands**

[Westword](#) [2/1/2019 2:21 PM, Conor McCormick-Cavanagh, 106K, CO] reports that immigrants' rights activists and city officials are concerned that a recent addition to the immigration detention facility in Aurora, the largest in Colorado, was done in secret and will only exacerbate problems at the facility. In January, Immigration and Customs Enforcement authorized GEO Group, which runs the facility through a contract with ICE, to open a remodeled 432-bed annex next to the facility for detainees arrested on immigration charges. The annex has increased the capacity of the center to 1,532, according to GEO Group. "As of Jan. 31, there are 256 total detainees housed in this new Annex with 128 new detainees expected to arrive within the next week," said Jeffrey Lynch, Denver field office director for ICE enforcement and removal operations, in an email to Westword.

"ICE's decision to allow the expansion of its facility without so much as a hint of notice to local elected officials or the public is incomprehensible," Aurora City Council member Allison Hiltz explains. Elizabeth Jordan, a lawyer who works on immigration detention accountability at the Civil Rights Education and Enforcement Center, says that the new annex will only make health issues and other problems at the facility worse. In June, ICE started moving hundreds of its detainees to federal prisons across the country because the government lacked enough space in its immigration detention center, according to an NPR report. As of October 2018, ICE had largely stopped using federal prisons to house detainees, according to NPR. Jordan says, "We are concerned that the facilities are unprepared for this influx, which could result in really horrifying conditions for people that have to sit in these wings while they get up and running." Jordan says it is unclear whether the facility will add staff to manage the additional detainees. In October 2017, ICE and the Department of Homeland Security started trying "to identify multiple possible detention sites to hold criminal aliens and other immigration violators." GEO Group put forth a bid for its then-empty annex in Aurora as a possible landing site for new detainees, according to documents obtained by the National Immigrant Justice Center.

### **[AZ] He Beat a Man to Death, It Took 6 Months to Get Rid of Him**



[Independent Sentinel](#) [2/2/2019 5:57 PM, S. Noble] reports that a Honduran national, wanted in his native country for homicide, was removed Thursday, by U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), and transferred to the custody of the Honduran National Police. Rigoberto Calderon-Villeda, 26, came into ICE custody July 30, 2018, after apprehension by the U.S. Border Patrol. At that time, he was detained for illegal entry, and placed into removal proceedings. On Aug.10, 2018, the Trial Court for the Judicial Section of Choluteca, Choluteca, Honduras, issued an arrest warrant against Calderon-Villeda for the offense of homicide. On Sept. 7, 2018, Honduran authorities notified ERO that Calderon-Villeda was subject to an outstanding arrest warrant for homicide, in connection with the beating death of a man. Along with three others, he beat the victim to death.

**[NV] ICE confirms suspect in fatal DUI in U.S. illegally**

[KOLO TV](#) [2/1/2019 4:00 PM, Staff, 30K, NV] reports the Nevada Highway Patrol has confirmed the name of a man accused of DUI and causing a fatal crash Sunday. 34-year-old Eduardo Rodriguez-Viurquiz is charged so far with DUI, leaving the scene of an accident, and several other charges connected to the crash, as well as failure to appear in court on an unrelated charge. Immigration and Customs Enforcement also confirms he has an immigration hold; he is a Mexican national in the U.S. illegally. Troopers were called to the crash about 4:43AM January 27, 2019 on southbound Interstate 580 south of Moana Lane. The preliminary investigation indicates Rodriguez-Viurquiz, driving a red Nissan pickup, was traveling south on 580 south of Moana Lane. He hit the rear of a red Jeep Grand Cherokee SUV. The Jeep came to rest on its wheels, and in a chain reaction, was hit by the driver of a Toyota Tacoma pickup, which also hit the Nissan. 20-year-old Korbin Preston of Wellington, in the Jeep, was pronounced dead at the scene. Another person in the Jeep was taken to a hospital with life-threatening injuries, and is in critical condition. After the initial crash, NHP says Rodriguez-Viurquiz ran off and was found a short time later by Reno Police near the Moana Lane off-ramp. The Nevada Highway Patrol is looking for witnesses to this crash, particularly anyone who saw any or all the vehicles just before the crash.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Tuesday, Feb. 5, 2019**

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## Executive Office for Immigration Review

### Shutdown Woes Aren't Over For Immigration Courts

[Law360](#) [2/4/2019 9:02 PM, Nicole Narea] reports the end of the government shutdown came as a relief to business immigration practitioners who work on affected employment eligibility verification processes and saw some related visa processing delays, but the reopened immigration courts remain in chaos due to canceled hearings and piled-up paperwork. The shutdown hit immigration courts much harder than the world of business immigration, which mostly relies on fee-funded programs administered through U.S. Citizenship and Immigration Services. With the already overburdened courts closed for more than a month, thousands of hearings were missed and there remains no plan to reschedule them expediently, even with staff working overtime to stay on schedule. Both business immigration attorneys and immigration judges, however, dread the possibility of a second shutdown after federal stopgap funding runs out in a couple of weeks. "We're still in the early stages of trying to recover from the effects of the previous shutdown," said Judge Ashley Tabaddor, president of the National Association of Immigration Judges. "The idea of having another one is very problematic. It's creating instability. It's creating anxiety and stress. It's bad governance." The closure of the immigration courts due to the shutdown has wreaked havoc on already overburdened dockets, with many petitioners missing long-awaited hearing dates and courts falling behind on mounting paperwork, current and former



immigration judges said.

Judge Tabaddor said that the immigration courts have first had to address existing cases on the docket. She said that the Executive Office of [for] Immigration Review instructed immigration judges to return to work the Monday after the shutdown and conduct business as usual "without any regard to the fact that we went through a five-week shutdown." That approach meant court staff had to put in long hours and scramble to prepare for cases scheduled for that week. She noted that many judges were forced to cancel some hearings because their staff did not have the time to compile the case files. Next, the courts will be tasked with managing the volumes of paperwork that went unprocessed during the shutdown. She said that the courts are only beginning to address the backlog, which includes filings and motions for upcoming cases. Finally, the courts will have to reschedule hearings that were canceled during the shutdown. Judge Tabaddor said that immigration judges are considering canceling upcoming hearings and holding "regrouping" hearings to determine how to proceed for each petitioner on a case-by-case basis. Most likely, those cases will be pushed back several years on the docket. Judge Tabaddor said that the immigration judges union has encouraged EOIR to adopt a plan in case there is another government shutdown once the three-week stopgap funding runs out. But she said the agency has refused to make any decisions until a potential shutdown hits.

### **The facts on immigration: What you need to know before the State of the Union**

[CBS News](#) [2/4/2019 8:29 PM, Kate Smith] reports there's little doubt that immigration will be on the agenda at President Trump's State of the Union address on Tuesday night. After shutting down the government for more than a month, Mr. Trump remains without his campaign's hallmark promise: a Mexican-funded southern border wall. D.C. politicians have until February 15 before temporary funding runs out and the government shuts down for the second time this year. Regardless of what the president says Tuesday night, here are seven facts that describe the state of immigration in 2019:

Fact: Asylum seekers showed up to their court dates 89 percent of the time in the fiscal year ending September 30, 2017, the most recent year for which data is available. Source: The Department of Justice Executive Office for Immigration Review

The Trump Administration has based a handful of its new immigration policies, like the recently implemented "Remain in Mexico" policy, based on the assertion that immigrants don't show up to their court hearings, an idea the White House views as a "loophole." Secretary of Homeland Security Kirstjen Nielsen said during a Congressional testimony late last year that asylum seekers "more than not" fail to appear for their hearings. And in January, President Trump said only two percent of asylum seekers make their court dates.

## **Policy and Legislative News**

### **Path to Trump's Border Wall Narrows as Republicans Balk at Emergency Declaration**

[New York Times](#) [2/5/2019 12:57 AM, Glenn Thrush and Emily Cochrane, 20737K] reports President Trump's legislative path to a border wall has narrowed significantly on the eve of Tuesday's State of the Union speech, and his fallback plan to circumvent Congress by declaring a state of emergency could yield a major rupture in his own party. As he prepares to make his case to the largest national audience of the year, Mr. Trump appeared to be in an increasingly precarious position, unable to sway the wider public to his cause and



unwilling, at least so far, to apply the persuasion and compromise that have gotten previous presidents out of political jams. Anxiety over the damage being inflicted on the party is growing. Last week, in a one-on-one meeting with the president, Senator Mitch McConnell of Kentucky, the majority leader, warned Mr. Trump that declaring a national emergency to build his wall would almost certainly spark a rebellion within his party – and a vote to overrule him. House and Senate negotiators have been moving toward a bipartisan agreement as early as Friday to keep the government funded after Feb. 15 – with or without the president's support.

Additional reporting:

[CNN](#) [2/4/2019 3:35 PM, Manu Raju and Ted Barrett]

[ABC News](#) [2/4/2019 2:40 PM, Mariam Khan]

[Reuters](#) [2/5/2019 6:08 AM, Steve Holland]

### **Pentagon to Send More Troops to Mexico Border**

[U.S. News & World Report](#) [2/4/2019 12:04 PM, Claire Hansen, 2894K] reports the Pentagon will send an additional 3,750 troops to the southern border with Mexico, bringing the total number of active-duty troops there to 4,350, the Department of Defense said Sunday. The announcement comes just days before President Donald Trump gives the State of the Union address, in which he is expected to continue to push for a southern border wall and tout the importance of border security. Lawmakers continue to negotiate over border wall funding and face a Feb. 15 deadline to come up with a deal or risk another government shutdown. The government shutdown for a record 35 days in December and January over border wall funding. Trump has also said he is considering declaring a national emergency to bypass Congress and funnel billions of dollars to create a wall.

### **About That Wall Trump Said Mexico Would Be Paying For: QuickTake**

[Washington Post](#) [2/4/2019 2:15 PM, Mark Niquette] reports that from the very start of his campaign for the U.S. presidency, Donald Trump has passionately promoted construction of a border wall between the U.S. and Mexico. He remains determined to get something built, even if it's not as vast as he once envisaged, or made of concrete as he used to describe it, or financed by Mexico as he famously promised his supporters. Ever since Mexico refused to foot the bill, the wall's funding has been ensnared in budget negotiations with the U.S. Congress that even forced a record 35-day partial government shutdown. Trump, in his many public statements on immigration and border security, has said an "impenetrable" wall would "stop dangerous drugs and criminals from pouring into our country." More recently, Trump and his aides have talked up the notion that a wall might stop terrorists from entering the U.S. and curtail human trafficking.

### **U.S. prepares to start building portion of Texas border wall**

[Washington Post](#) [2/4/2019 4:13 PM, Nomaan Merchant] reports that the U.S. government is preparing to begin construction of more border walls and fencing in South Texas' Rio Grande Valley, likely on federally owned land set aside as wildlife refuge property. Heavy construction equipment was expected to arrive starting Monday, U.S. Customs and Border Protection said. A photo posted by the nonprofit National Butterfly Center shows an excavator parked next to its property. Congress last March approved more than \$600 million for 33 miles (53 kilometers) of new barriers in the Rio Grande Valley. While President Donald Trump and top Democrats remain in a standoff over Trump's demand for \$5.7 billion in border wall funding, U.S. Customs and Border Protection has pushed ahead



with building what's already funded. That construction was often described as fencing, and the government funding bill that included construction was supported by some Democrats in the House and Senate. CBP refers to what it plans to build as a "border wall system."

### **Advocacy groups want border-for-Dreamers deal ahead of Feb. 15 deadline**

[The Hill](#) [2/4/2019 3:02 PM, Rafael Bernal] reports that a diverse group of political and religious organizations is calling for legislators to avoid another partial government shutdown by pairing border security funds with permanent immigration benefits for so-called Dreamers. In a Monday letter to the conference committee members tasked with crafting a spending deal by Feb. 15, the groups said "there is strong bipartisan support for legislation to provide certainty for the Dreamers – immigrants brought here as children." "As you meet to develop solutions before the upcoming spending deadline on February 15th, we urge you to come together and deliver bipartisan legislation that pairs the certainty Dreamers need going forward with funds to enhance border security," they added.

### **Washington just spent a month in gridlock over the wall. Will Trump's State of the Union speech change anything?**

[PRI](#) [2/4/2019 2:30 PM, Tania Karas] reports President Donald Trump is expected to highlight his immigration agenda Tuesday in his second State of the Union address to Congress. But after months of acrimonious debate, it's unclear whether his speech can actually translate into bipartisan action on an issue that has come to define his presidency. In last year's address, Trump outlined his own four-pillar plan for comprehensive immigration reform. It included a path to citizenship for some 1.8 million unauthorized immigrants who came to the United States as children — about 700,000 of whom benefit from temporary legal status under the Deferred Action for Childhood Arrivals program — in exchange for measures that would tighten both legal and illegal immigration: a southern border wall, ending the "diversity lottery" visa program and reallocating slots on the basis of "merit," and limiting the categories of family members immigrants may sponsor to the US, which the Trump administration calls "chain migration." "These four pillars represent a down-the-middle compromise, and one that will create a safe, modern, and lawful immigration system," he said. "... So let's come together, set politics aside, and finally get the job done." Though unpopular among Democrats and immigration advocates, it was a framework many members of Congress thought they could work with — especially since it came from the president himself. But a year later, the gridlock has only gotten worse.

### **Migrant caravan to reach U.S. border day before Trump's State of the Union**

[FOX News](#) [2/4/2019 1:18 PM, Griff Jenkins] reports that more than 2,000 migrants boarded dozens of buses provided by the Mexican State of Coahuila en route to the border city of Piedras Negras, where a shelter with federal resources awaits them. The caravan will arrive at the border on Monday, a day ahead of President Trump's State of the Union speech — and on the heels of the Pentagon's announcement that nearly 4,000 troops will be deployed to the region in the coming weeks. For many of the migrants, who began this journey on Jan 15 in San Pedro Sula, Honduras, it is the final destination before they attempt to cross into the U.S. either legally by claiming asylum at a port of entry or illegally at various spots along the Texas border. "For security reasons, I cannot say which way we're going to take," says Antonio Morales of El Salvador who intends to cross illegally. "Plus, if Mr. Donald Trump is watching, I can't tell you where I'm going to go to get into your country," he said.

[CNN](#) [2/4/2019 11:42 PM, Christina Maxouris] reports that the Mexican border town of



Piedras Negras was expecting the arrival of 2,000 Central American migrants on Monday, according to Guatemalan Consul Tekandi Paniagua in Del Rio, Texas. The city is on the Rio Grande river, across from Eagle Pass, Texas. The migrants – of whom about 1,300 are from Honduras, 200 are from Guatemala and 400-500 are from El Salvador – were being transported by state authorities from Saltillo, Mexico to Piedras Negras, according to Paniagua. Authorities gave the migrants access to 50 buses. Half of the fleet had arrived in the Mexican border city by Monday evening, Paniagua said.

### **"I found my voice": Undocumented worker from Trump golf club will attend the State of the Union**

[VOX](#) [2/4/2019 1:10 PM, Alexia Fernández Campbell, 2855K, DC] reports President Donald Trump will almost certainly bring up the issue of illegal immigration during his State of the Union address on Tuesday. When he does, Victorina Morales, a former employee, will be in the audience watching. The 45-year-old immigrant from Guatemala worked for more than five years as a housekeeper at Trump National Golf Club in Bedminster, New Jersey. Morales washed Trump's clothes, made his bed, and scrubbed toilets at the private villa where he stays. She continued working there even after he won the presidency and he ramped up his rhetoric about immigrants like her, blaming them for rampant crime, job losses, and a host of other social problems. She described the verbal abuse and humiliation she and other undocumented workers experienced on the job, and said her supervisors knew about their immigration status. The club is part of the president's real estate company, the Trump Organization, which he still owns. The company denies that supervisors at the club knowingly hired unauthorized immigrants. Morales never resumed working at the club after going public with her story and has spent the past two months advocating for immigration reform. Since she came forward, the club has fired about 20 other undocumented immigrants who worked there. She and three former co-workers at Trump's club, who are also undocumented, met last week with New Jersey Sens. Cory Booker and Bob Menendez, both Democrats, asking them to investigate the Trump Organization's hiring practices and to shield immigrants who worked there from potential retaliation and deportation.

The [San Francisco Chronicle](#) [2/4/2019 6:15 PM, Tal Kopan, 337K] reports Maria Mendoza-Sanchez fought for 16 months to return to Oakland and be reunited with her family after being deported to Mexico under President Trump's hardline immigration policies. As Trump lays out his policy agenda during Tuesday evening's State of the Union address, Mendoza-Sanchez will also be in the House gallery as a guest of Oakland Democratic Rep. Barbara Lee. Lee is among many congressional Democrats using the annual address to offer a human counterpoint to Trump's aggressive rhetoric on immigration.

### **Dem senator requests investigation into hiring of undocumented immigrants at Trump golf clubs**

[The Hill](#) [2/4/2019 7:08 PM, Chris Mills Rodrigo, 3038K] reports Sen. Bob Menendez (D) on Monday requested an investigation into the hiring of undocumented immigrants at President Trump's golf clubs, including one in Menendez's home state of New Jersey. Dozens of undocumented immigrants have been fired from Trump properties in recent months following reports of the Trump Organization hiring people without proper legal status. Menendez met with four of these fired employees and then sent a request to Homeland Security Secretary Kirstjen Nielsen and Federal Bureau of Investigation Director Christopher Wray for the matter to be investigated. "Given the serious nature of these



allegations, I bring this to your attention and request that the Federal Bureau of Investigation (FBI) and Homeland Security Investigations (HSI) conduct an appropriate investigation into the matter," Menendez wrote. "Furthermore, because the individuals I met with and others that may step forward appear to be potential witnesses to a crime and may provide the evidence necessary to conduct an appropriate investigation, I urge you to consider requesting or supporting authorization for them to remain in the U.S. during your necessary investigation."

Reported similarly: [Washington Times](#) [2/4/2019 12:58 PM, Stephen Dinan, 527K, DC]

### **Trump's immigration policies are benefiting smugglers and violent crime groups in Mexico**

[USA Today](#) [2/4/2019 5:43 PM, Rick Jervis and Rafael Carranza] reports over the past year, Lilian Menendez has evaded street gangs in her native Honduras, paid \$5,000 to free her kidnapped brother and made the perilous 2,000-mile journey from her home country to this border city. Now, Menendez and husband, Osman Guillen, face perhaps their most daunting task: Turning themselves into U.S. authorities to seek asylum. Rebuffed at the international bridge that leads to McAllen, Texas – and to U.S. sanctuary – Menendez said she was calling relatives to scrape together the \$10,000 smugglers are demanding to float them across the Rio Grande, where they can turn themselves into Border Patrol agents and begin applying for asylum. Under international law, migrants have for years flocked to the U.S.-Mexico border to legally seek asylum and be allowed entry. But in recent months, Trump administration policies have slowed the flow of asylum-seekers into the U.S., leaving many migrants stranded far from home, vulnerable to violence in dangerous border cities and unable to request asylum.

The Department of Homeland Security, which oversees border security, insists it is not turning away asylum-seekers. Officials say the metering process is in place to prevent ports of entry facilities from overflowing. The Trump administration is also facing an unprecedented rise in asylum requests. The total number of credible-fear referrals for interviews -- or migrants seeking asylum -- skyrocketed from about 5,000 a year in fiscal year 2008 to about 97,000 in 2018. At the same time, the number of total apprehensions along the Southwest border dropped in the same period, from 705,005 in 2008 to 396,579 last fiscal year, according to Homeland Security and Border Patrol statistics. "The bottom line is that we have a deeply flawed immigration system, smugglers and traffickers know the flaws well, and they seek to exploit these vulnerabilities in the law, as well as physical vulnerabilities to enter and remain in the country illegally," DHS spokeswoman Katie Waldman said.

### **After subpoena threat, Homeland Security Secretary Kirstjen Nielsen to appear before House panel**

[Washington Post](#) [2/4/2019 1:25 PM, John Wagner] reports that Homeland Security Secretary Kirstjen Nielsen has agreed to testify next month about border-security issues following a threatened subpoena, House Homeland Security Committee Chairman Bennie Thompson (D-Miss.) announced Monday. The announcement comes as Democrats, now in control of the House, step up congressional oversight of the Trump administration and border security remains one of the most bitter policy fights between Democrats and the Republican administration. "We are giving the Secretary ample time to prepare for this appearance," Thompson said in a statement. "She should be ready to defend the



Administration's border security actions and its plans to improve its border security agenda going forward. As Chairman of the Committee, I remain committed to the charge that securing the country should be based on intelligence and facts, and not pursuant to a campaign agenda." The latter was a reference to President Trump's demand for \$5.7 billion in funding for his long-promised U.S.-Mexico border wall, which led to a 35-day partial government shutdown as congressional Democrats resisted. In a blistering letter to Nielsen last week, Thompson said it was "outrageous" that she was pointing to the shutdown as an "excuse" not to voluntarily appear before the committee. "If she says she's not coming, we'll subpoena her to the committee," Thompson said in an interview with The Post at the time. "We need to hear from her. If border security is important, we need to hear her vision."

Reported similarly:

[The Hill](#) [2/4/2019 12:54 PM, Andrew Desiderio]

[CNN](#) [2/4/2019 1:18 PM, Jessica Schneider, Geneva Sands and Elizabeth Landers]

[Washington Examiner](#) [2/4/2019 1:55 PM, Anna Giaritelli, 629K, DC]

### **150K Migrants Apprehended During 1st Quarter 2019 – Up 84 Percent**

[Breitbart](#) [2/4/2019 11:27 AM, Bob Price, 2015K] reports U. S. Border Patrol agents apprehended more than 150,000 migrants who illegally crossed between ports of entry during the first quarter of Fiscal Year 2019. Of those, nearly 100,000 consisted of families and unaccompanied minors. For the third straight month, Border Patrol agents apprehended more than 50,000 migrants who crossed the border between ports of entry in December. During the first quarter of the new fiscal year, agents apprehended a total of 153,609 who illegally crossed the border, according to the December Southwest Border Migration report released Monday morning. The partial government shutdown delayed the release of the December report. The apprehension of the more than 150,000 migrants represents nearly 40 percent of the total number of migrant apprehensions during the entire previous fiscal year. The first quarter apprehensions represent a nearly 84 percent increase over the prior year's 1st quarter total of 83,568. The apprehension of Family Unit Aliens and Unaccompanied Alien Children during the first quarter jumped to 90,807 – an increase of more than 190 percent over the same period last year, the report indicates.

### **Migrant Kids Separated In 2017 Can't Be Tracked, Feds Say**

[Law360](#) [2/4/2019 3:45 AM, Suzanne Monyak] reports the Trump administration has said that it did not track the statuses of thousands more children who may have been separated from their parents at the southwestern border before the government's "zero-tolerance" policy on unauthorized border crossings was announced last year, according to a recent pair of court filings. In two declarations filed Friday, officials at the U.S. Department of Health and Human Services — the federal agency tasked with the care of unaccompanied migrant children — told a California federal court that the U.S. Department of Homeland Security previously only provided "anecdotal information" on an "ad hoc basis" about potential family separations before the court's June 26, 2018, order mandating family reunification. As a result, HHS' Office of Refugee Resettlement does not have the resources or personnel to determine how many of the more than 47,000 children in the agency's custody between July 2017 and June 2018, who are currently not covered by the class known as Ms. L., may have been separated from their families at the U.S.-Mexico border — and whether those separated families have since been reunited, the officials said. Jonathan White, an official with the HHS Office of the Assistant Secretary for Preparedness and Response and the agency's lead in the Unaccompanied Alien Children Reunification



Coordination Group, added in his declaration that he did not believe there existed any compiled list of children who had been separated from their parents at the border before the June injunction order.

Reported similarly:

[Romper](#) [2/4/2019 3:53 PM, Azure Hall, 216K]

[New York Intelligencer](#) [2/4/2019 1:20 PM, Sarah Jones, NY]

### **Two immigrant-rights lawyers are denied entry to Mexico after their passports trigger Interpol alerts**

[ABA Journal](#) [2/4/2019 4:30 PM, Debra Cassens Weiss, 33K] reports two immigrant-rights lawyers say they don't know who placed Interpol alerts on their passports that led to them being denied entry to Mexico last week. One lawyer suspects the U.S. government is to blame, the Los Angeles Times reports. The lawyers are leaders of the nonprofit Al Otro Lado, which has advised the migrant caravan in Tijuana. The group has also filed a suit claiming U.S. Customs and Border Protection is denying access to the asylum process. Two photojournalists who had photographed members of the migrant caravan say they were also turned away from Mexico because of alerts on their passports. The two lawyers are Nora Phillips and Erika Pinheiro. Phillips is the legal and litigation director for Al Otro Lado. In a news conference in Los Angeles on Friday, Phillips said she was detained on Thursday after flying to Guadalajara because of the passport alert. She and her 7-year-old daughter had to sleep on the floor and had no food or water during their nine-hour detention, she said. "I think this is retaliation," Phillips said. "I think this is because we sued the U.S. government. I think it's that we're pointing out gross, flagrant human rights violations being committed by the U.S. government, and they don't like that."

### **Doctors travel to Tijuana to give health evaluations to migrants seeking asylum**

[FOX 5](#) [2/4/2019 10:56 AM, Andrew Nomura, CA] reports a group of doctors from the United States traveled south of the border to evaluate migrants seeking asylum Sunday. The doctors are part of an international organization called Physicians for Human Rights. The organization investigates and documents human rights violations. They went to Tijuana in order to examine the physical and mental health of the migrants. The group believes evaluations are extremely important when determining if someone is granted asylum. Dr. Mary Cheffers, who specializes in emergency medicine at the USC Care Medical Group Inc., was one of the doctors who examined several families. "These are people with incredibly hard circumstances that are seeking survival and safety," said Dr. Cheffers. Cheffers explained one of the families is seeking asylum to escape human trafficking in their home country. "A mom is trying to keep her kids away from people who are extorting children for their organs and money on the dark sex market," said Cheffers. The group does not agree with the new US policy that sent some asylum seekers back to Mexico while they wait for their court appearance. Those without proper documentation will remain in Tijuana for the duration of the immigration process.

### **Intelligence community views migration from Central America as threat to national security**

[The Hill](#) [2/4/2019 12:00 PM, Nolan Rappaport, 3038K] reports the Director of National Intelligence (DNI), Daniel R. Coats, oversees and directs the 17 agencies and organizations that make up the intelligence community. He also is the principal adviser to the President, the National Security Council, and the Homeland Security Council on intelligence matters



related to the national security. On January 29, 2019, Coats presented the Worldwide Threat Assessment of the U.S. Intelligence Community to the Senate Select Committee on Intelligence. The assessment is based on the collective insights of the intelligence community. Although Coats arguably contradicted President Donald Trump in some areas, such as the state of North Korea's nuclear program, he supported Trump's claim that the flood of migrants from Central America is causing a security crisis. The assessment includes migration from Central America as one of the threats to national security.

**[NY] Ex-Council Speaker Accuses ICE Of Targeting Immigrants at Courthouses**

[Chief Leader](#) [2/4/2019 4:00 PM, Richard Khavkine, 3K, NY] reports that a recent report by an immigrant-rights organization concluded that U.S. Immigration and Customs Enforcement has substantially increased arrests of undocumented immigrants in and around New York State courts in the last two years. Both enforcement and surveillance within state courts by ICE agents have risen dramatically since 2016, with arrests climbing from 11 in 2016 to 177 last year after first spiking in 2017, according to the report, issued late last month by the city-based Immigrant Defense Project. The majority of those arrests — 127 — were in New York City. According to the IDP report, ICE officials are also increasingly using "aggressive surveillance" tactics, such as following lawyers or listening in on privileged attorney-client conversations. On Jan. 30, Melissa Mark-Viverito, the former City Council Speaker and a candidate for Public Advocate, held a rally in Foley Square highlighting the report's findings and calling on Chief Judge Janet DiFiore to ban ICE agents from the state's courthouses. But attempting to ban law enforcement from courthouses could prove a sizeable challenge: Courts, with few exceptions, are public places. Nonetheless, the state court system and ICE agreed in 2017 to new policies that effectively curtailed ICE's arrest powers within court facilities. "We cannot ban outside law enforcement from a public courthouse. What we can do, and have done, is to have ICE issue a formalized policy regarding potential arrest situations in courthouses," Lucian Chalfen, the chief spokesman for the state's Unified Court System, said in an email. Chalfen said arrests inside court facilities, which must be recorded by state court officials, declined to 26 statewide last year from 54 in 2017, and in the city to 13 last year from 40 in 2017. State lawmakers, however, are looking to further reduce ICE's presence. Senate bill "Protect Our Courts Act," sponsored by Sen. Brad Hoylman and its companion in the Assembly, sponsored by Assemblywoman Michaelle Solages, would oblige "non-local law-enforcement personnel" to secure a warrant or order from a judge before arresting anyone on civil charges who is attending a court proceeding. Patrick Cullen, the president of the New York State Supreme Court Officers Association, said Court Officers' cooperation with ICE agents is part and parcel of Court Officers' duties only to the extent of providing defendants' court-appearance information, as they do for other law-enforcement agencies. He emphasized that Court Officers' primary responsibility was to safeguard court officials and the public. Part of that obligation is to ensure that law-enforcement personnel, including ICE agents, have the requisite paperwork, including warrants.

**[PA] Pa. state police now limited in flagging undocumented immigrants to ICE**

[Pittsburgh Post-Gazette](#) [2/5/2019 5:00 AM, Kavitha Surana, PA] reports that last year, ProPublica and the Philadelphia Inquirer reported that Pennsylvania State Police had no guidelines preventing troopers from engaging in behavior that raised questions of racial profiling and unlawful arrests. That behavior is now forbidden in Pennsylvania, according to new state police regulations that went into effect last week and are aimed at halting unlawful searches and detentions. If a car is stopped for a traffic violation, for example, passengers



won't be questioned or asked for identification solely to verify whether they are in the country legally. The policy says troopers may not detain or arrest foreign nationals simply for being in the country illegally. Gov. Tom Wolf called for stronger guidelines after the investigation by ProPublica and the Inquirer found that state police were acting as an informal arm of immigration enforcement. On Friday, Mr. Wolf commended the new policy because it "provides clear direction for state troopers.

## Legal News

### **Obama Exceeded Authority With DACA, State Coalition Says**

[Law360](#) [2/4/2019 7:10 PM, Suzanne Monyak] reports a coalition of nine states urged a Texas federal court Monday to roll back the Deferred Action for Childhood Arrivals program — despite court orders in other districts upholding it — arguing that former President Barack Obama exceeded his power in implementing the deportation relief policy. Texas, joined by eight other states, argued in a motion for summary judgment that U.S. District Judge Andrew S. Hanen should set aside the 2012 memorandum that created the DACA program and allow existing work permits issued under the program to expire. The states contended that DACA, which gives work permits and legal status to eligible unauthorized immigrants brought to the U.S. as children, is unlawful and conflicts with Congress' intent. The states also argued that the program violates the U.S. Constitution's take care clause, which mandates that the president "take care that the laws be faithfully executed." Texas, joined by Alabama, Arkansas, Louisiana, Nebraska, South Carolina and West Virginia, filed the lawsuit in May, alleging that the 2012 executive action that created DACA was improper lawmaking by the executive branch. The states were later joined by Kansas and the governors of Maine and Mississippi, but Maine withdrew in January after the state elected a new governor.

Reported similarly: [CBS Austin](#) [2/4/2019 5:41 PM, Staff, 38K, TX]

### **[NY] Deportation of Albany chef on hold for at least three weeks**

[Times Union](#) [2/4/2019 6:44 PM, Mallory Moench, 105K, NY] reports Capital City Rescue Mission chef Kinimo Ngoran won't be deported for at least three weeks. A federal judge adjourned his case but Ngoran will remain in detention near Buffalo until the matter is decided. On Monday, U.S. District Court Judge Charles J. Siragusa extended the emergency stay on Ngoran's deportation order, issued Friday, until a court hearing on Feb. 25 where his legal counsel will argue for his release as he waits to get a green card through marriage, Albany Law School Professor Sarah Rogerson confirmed. "The stay remains in place. The government can't deport him," said Rogerson, who is heading up Ngoran's legal team. A petition to get immigration status through his American wife of two years, Lisa Pepper-Ngoran, was approved Thursday. At the end of last week, Ngoran's legal counsel filed a lawsuit against the U.S. Attorney General in federal court in Rochester, arguing his detention is unlawful because he still has a pending application with U.S. Citizenship and Immigration Services that could grant him legal status. ICE spokesman Khaalid Walls said Ngoran was ordered removed from the U.S. by a federal immigration judge in 2004. While Ngoran's attorney at the time worked on his appeal, the Department of Homeland Security issued him a temporary stay of deportation, forbidding his immediate removal.

Reported similarly: [New York Upstate](#) [2/4/2019 3:00 PM, Ben Axelson, NY]



## Enforcement News

### **Purge of undocumented workers by the president's company spreads to at least 5 Trump golf courses**

[Washington Post](#) [2/4/2019 9:36 PM, Joshua Partlow and David A. Fahrenthold] reports that President Trump's company has fired at least 18 undocumented workers from five golf courses in New York and New Jersey in the past two months, part of a purge set in motion after a series of reports about the clubs' employment of workers without legal status. Eric Trump, the president's son, confirmed the firings to The Washington Post on Monday. Those dismissed included three undocumented workers at the Trump National Golf Club Colts Neck near Montrose, N.J., and three more at the Trump National Golf Club Philadelphia in Pine Hill, N.J. Another was dismissed from Trump National Golf Club Hudson Valley in Hopewell Junction, N.Y., Eric Trump said. Eric and his brother, Donald Trump Jr., have day-to-day control of the Trump Organization. In a letter to FBI Director Christopher A. Wray and Homeland Security Secretary Kirstjen Nielsen, Menendez said officials should "conduct an appropriate investigation" into the concerns raised by the four ex-employees. He requested that the FBI and Homeland Security Investigations, a division of Immigration and Customs Enforcement, undertake the probe.

Reported similarly: [CNN](#) [2/4/2019 10:42 PM, Eli Watkins]

### **[NY] ICE captures aliens with felony convictions for assault, child sexual assault, weapons violations and more**

[Liberty Headlines](#) [2/4/2019 3:00 PM, Joshua Paladino, NY] reports that U.S. Immigration and Customs Enforcement officers in New York recently announced they had arrested 35 illegal aliens whom sanctuary cities had released in defiance active detainers. ICE places detainers on illegal immigrants who are arrested on criminal charges and subject to deportation, but sanctuary jurisdictions routinely ignore the detainers and release criminal illegal aliens. "The success of this operation is a direct result of the full commitment of the dedicated men and women of ICE," said Thomas R. Decker, field office director for ICE's Enforcement and Removal Operations (ERO) in New York. "In spite of the significant obstacles that ICE faces due to the dangerous policies created by local jurisdictions, which hinder the cooperation between ICE and local law enforcement, ICE will continue to devote the full efforts of our agency to protecting citizens and enforcing federal immigration law despite challenges being pursued by politically motivated individuals."

### **[NJ] Report: Undocumented workers hired, fired, at Trump property in Camden County**

[Philadelphia Inquirer](#) [2/4/2019 3:41 PM, Jeff Gammage, PA] reports that officials at a Trump golf course in Camden County declined Monday to discuss a news report that they had fired several undocumented workers there, one of whom had been employed for 16 years. "I'm sorry sir, we have no comment," said a worker who then hung up the phone at Trump National Golf Club-Philadelphia, which is in Pine Hill. About five workers were recently dismissed or told not to report to work again, including two seasonal employees who were not scheduled to work until spring, The New York Times reported, citing people familiar with the terminations. The dismissals showed that President Trump's family business employed undocumented workers more broadly than was previously thought, the newspaper said. The Pine Hill club was the third Trump property where workers have been fired since the Times reported in December that the club in Bedminster, N.J., had for years



employed undocumented immigrants. The company dismissed about a dozen people in Bedminster after the story appeared, as well as a dozen at the Trump National Golf Club-Westchester, located in Briarcliff Manor, N.Y. The firings in South Jersey resulted from a broader audit that the company is conducting at its properties, the newspaper reported.

**[PA] 16 undocumented immigrants indicted in multiple counties in southcentral Pa.** [Hanover Evening Sun](#) [2/4/2019 4:25 PM, Kaitlin Greenockle, 4K, PA] reports a federal grand jury indicted 16 undocumented immigrants for illegal re-entry into the United States on Jan. 16 and 30. The 16 men were located in Adams, Cumberland, Dauphin, Lackawanna, Lebanon and York counties, according to a Middle District of Pennsylvania Department of Justice news release. All were previously deported from the U.S. and allegedly re-entered the country after eluding examination or inspection by immigration officers. Each defendant faces a maximum penalty of two years in prison, supervised release and a fine, the release states. These cases were investigated by the U.S. Immigration and Customs Enforcement and Removal Operations.

**[TN] Deported — Then Brought Back: An Iraqi Native Battles To Stay In Nashville** [Nashville Public Radio](#) [2/5/2019 5:15 AM, Chas Sisk, TN] reports that under President Donald Trump, Immigration and Customs Enforcement has been ramping up efforts to deport hundreds of Iraqi nationals whose legal status in the U.S. is in limbo. But one Nashville man's case shows how hard it is to send someone back after nearly 25 years in the U.S. Muneer Subaihani recalls the day when authorities came to his apartment in Antioch. Subaihani says he kept his front door firmly shut, and after about 20 minutes, the ICE agents left. But three days later, he says he received a foreboding letter in the mail. It asked him to report to an immigration office in downtown Nashville. In 1994 he had entered the U.S. as a refugee and was even given a green card. But in 2004, he pleaded guilty to misdemeanor marijuana possession. That prompted a judge to issue a deportation order. It wasn't enforced until the summer of 2017, when ICE rounded up nearly 300 Iraqis nationwide, including Subaihani. After his arrest, he would spend most of the next year shuffling between detention centers. Finally, he was presented with a piece of paper stating he was willing to go back to Iraq. "And I sign. I get tired." There are about 1,400 Iraqis across the country with unenforced deportation orders. They include at least a half dozen refugees living in Nashville — like Muneer Subaihani. Many have lived in the United States for decades, and the Iraqi government won't guarantee their safety if they return. A spokesman for ICE declined to be interviewed. But in a written statement, the agency said allowing people like Subaihani to stay would put communities at risk and undermine immigration laws.

**[GA] 21 Savage is facing deportation. Curb your memes and locate your humanity.** [Washington Post](#) [2/4/2019 1:50 PM, Chris Richards, 9763K] reports one week ago, 21 Savage appeared on Jimmy Fallon's "Tonight Show" to perform "A Lot," a meditative mea culpa that tallies the rapper's trials and transgressions. On Sunday morning, 21 Savage was arrested by U.S. Immigration and Customs Enforcement officials in a "targeted operation with federal and local law enforcement partners." According to ICE, the 26-year-old rapper, born Sha Yaa Abraham-Joseph, was a "United Kingdom national" who had entered the United States legally in 2005 at the age of 12 but whose visa expired in 2006. (Why this wasn't an issue when the Atlanta rapper was convicted on felony drug charges in Georgia in 2014 is unclear.) More facts about the arrest are sure to emerge, but for now, the optics remain appalling. Five days after 21 Savage spoke out against President Trump's family



separation policy on national television, ICE had him arrested - on Super Bowl Sunday, the most media-saturated day of the year, in Atlanta, the hip-hop capital of the world. Whether this was some impossible coincidence is beside the point. ICE had just made its most high-profile arrest – a young black celebrity up for two Grammys the following Sunday night – on a day when the entire nation was watching. "His whole public persona is false," an ICE spokesperson reportedly told CNN.

[CNN](#) [2/4/2019 4:03 PM, Elliott C. McLaughlin] reports an immigration lawyer says that 21 is being held without bail based on "incorrect information about prior criminal charges" and ICE seeks only to "intimidate" him into leaving the country as he awaits the fate of a special visa application. He has not been charged with a crime, the lawyer said. According to ICE spokesman Bryan Cox, "Mr. Abraham-Joseph is presently in ICE custody in Georgia and has been placed into removal proceedings before the federal immigration courts," ICE said in a statement. "ICE will now await the outcome of his case before a federal immigration judge to determine future actions." Sunday's arrest, made public hours before the Super Bowl, was the product of a targeted sting, Cox said.

[The Hill](#) [2/4/2019 7:29 PM, Chris Mills Rodrigo] reports that Immigration and Customs Enforcement (ICE) is refusing to release rapper 21 Savage on bond after he was arrested Sunday for allegedly overstaying his visa, his lawyer said Monday. The rapper, whose legal name is Shayaa Bin Abraham-Joseph, was arrested by ICE on allegations that he overstayed his visa after coming to the U.K. from Dominica, a commonwealth of the United Kingdom. ICE spokesperson Bryan Cox has said that 21 Savage was convicted on felony drug charges in 2014.

Reported similarly:

[Washington Post](#) [2/4/2019 7:01 PM, Staff]

[New York Times](#) [2/5/2019 5:00 AM, Staff]

[Huffington Post](#) [2/4/2019 8:40 PM, Nick Visser, 6834K]

[CNN](#) [2/4/2019 1:26 PM, Eric Levenson and Nick Valencia]

[FOX News](#) [2/5/2019 12:19 AM, Gerren Keith Gaynor, 9216K]

[NBC News](#) [2/4/2019 10:47 AM, Daniella Silva, 4061K]

[ABC News](#) [2/4/2019 3:52 PM, Deena Zaru, 2413K]

[MSN News](#) [2/4/2019 3:26 PM, Mike Walters, 49830K]

[Los Angeles Times](#) [2/4/2019 7:20 PM, Sonaiya Kelley, 3575K]

[BuzzFeed](#) [2/4/2019 6:07 PM, Tasneem Nashrulla, 8149K]

[Forbes](#) [2/4/2019 11:08 AM, Adrienne Gibbs, 9724K]

[People](#) [2/5/2019 12:58 AM, Robyn Merrett, 2648K]

[Law360](#) [2/4/2019 8:26 PM, Suzanne Monyak]

[Breitbart](#) [2/4/2019 7:17 AM, Staff, 2015K]

[Rolling Stone](#) [2/4/2019 4:04 PM, Brendan Klinkenberg, 1371K]

[Spin](#) [2/4/2019 8:08 PM, Israel Daramola]

[The Daily Caller](#) [2/4/2019 1:09 PM, Jason Hopkins, 867K, DC]

[WSB-TV](#) [2/4/2019 3:16 PM, Staff, GA]

[Atlanta Journal-Constitution](#) [2/3/2019 7:00 PM, Nancy Clanton, 644K, GA]

#### **[MI] Attorney: Fake Farmington university sting by ICE was entrapment**

[Detroit Free Press](#) [2/4/2019 8:11 PM, Niraj Warikoo, MI] reports about 10 years ago, Phanideep Karnati immigrated from India to the U.S. on an H1-B visa in search of the American dream. He became an IT engineer, was earning a masters degree at the



University of Louisville in Kentucky and is today married with two sons, ages 2 and 9. But on Monday, the 35-year-old Kentucky man appeared in shackles and a prisoner's jumpsuit in a federal courtroom in Detroit, arraigned on charges of conspiracy to commit visa fraud and harboring aliens for profit as a recruiter for a fake university in Farmington Hills created by U.S. law enforcement. A not-guilty plea was entered for him by Magistrate Judge R. Steven Whalen, who ordered him released on a \$10,000 unsecured bond. Karnati was one of five defendants who appeared Monday afternoon in U.S. District Court in Detroit, and one of eight foreign nationals charged with visa fraud. Prosecutors allege the students recruited hundreds of other students to enroll at the University of Farmington as part of a "pay to stay" scheme where foreign students could remain in the U.S. while working. The university was created by Immigration and Customs Enforcement to lure in more than 600 students, of which 130 were arrested last week on civil immigration charges.

[WNYC](#) [2/4/2019 3:00 PM, Staff, NY] reports "Homeland Security Investigations special agents uncovered a nationwide network that grossly exploited U.S. immigration laws," said Special Agent in Charge Steve Francis in a statement. "These suspects aided hundreds of foreign nationals to remain in the United States illegally by helping to portray them as students, which they most certainly were not."

[Firstpost](#) [2/4/2019 8:08 PM, Nikhila Natarajan] reports that Khaalid Walls, Northeast Regional Communications Director and Spokesman for ICE sent us this reply based on a query: "Each of the foreign citizens who "enrolled" and made "tuition" payments to the University knew that they would not attend any actual classes, earn credits, or make academic progress toward an actual degree in a particular field of study – a "pay to stay" scheme. Rather, their intent was to fraudulently maintain their student visa status and to obtain work authorization under the CPT program. Each student knew that the University's program was not approved by the United States Department of Homeland Security (DHS), was illegal, and that discretion should be used when discussing the program with others. the fact that The 129 students arrested in the U.S. and placed in removal proceedings "knew that they would not attend any actual classes, earn credits, or make academic progress toward an actual degree in a particular field of study – a 'pay to stay' scheme."

Reported similarly: [CBS Detroit](#) [2/4/2019 9:16 AM, Staff, MI]

### **[TX] ICE Blasted Over 'Inhuman' Force-Feeding as Detainee Describes Tubes Rammed Down Nose, Throat**

[Newsweek](#) [2/4/2019 8:00 AM, Chantal Da Silva, 2656K] reports that the U.S. Immigration and Customs Enforcement agency is facing backlash over its decision to force-feed detained immigrants who started a hunger strike over alleged mistreatment. On Sunday, ICE confirmed to the Associated Press that there were now nine men, up from six last week, being force-fed under court order at a detention facility in El Paso, Texas. One detainee – identified only by his last name, Singh, out of concerns for his safety – described to AP being dragged from his cell three times a day and strapped to a bed before being force-fed liquid through tubes pushed through his nose. "They tie us on the force-feeding bed, and then they put a lot of liquid into the tubes, and the pressure is immense so we end up vomiting it out," said Singh, 22. "We can't talk properly and we can't breathe properly. The pipe is not an easy process, but they try to push it down our noses and throats." Speaking through an interpreter, Singh told AP that he launched his hunger strike more than a month ago over unfair treatment of him and other detainees from Punjab, including being denied bond, while detainees from other countries were allowed to leave.



[Esquire](#) [2/4/2019 8:08 PM, Charles P. Pierce, NY] reports that according to the Washington Post, ten detainees at an immigration detention facility are under a self-imposed hunger strike, ICE spokeswoman Danielle Bennett said in an email Saturday. Of the 10, nine are from India, and one is from Nicaragua, Bennett said.

**[TX] Illegal immigrant with history of child sex abuse arrested during traffic stop**

[News 7 Miami](#) [2/4/2019 6:50 PM, Staff, 59K, FL] reports a Mexican national with a history of sex abuse on children has been arrested in Texas. Authorities announced the arrest of Mejia Ramos on Jan. 30. According to police, Ramos initially gave the fake name of Jose Ramirez when he was pulled over during a traffic stop. However, an onsite fingerprint scan pulled up his true identity. Investigators said Ramos had previously served six years for perjury in Los Angeles, six years for sexual assault of a child and two years for lewd acts with a child under the age of 14. He was served eight years for continuous sexual assault of a child. Detectives said Ramos had been deported in 2013, but he was arrested in 2015 for DWI. According to the Houston Chronicle, he was deported again after his 2015 arrest.

**[CO] With a special allowance expiring, immigration activist Jeanette Vizguerra must fight again to stay in the country**

[Denverite](#) [2/4/2019 9:32 AM, Kevin Beaty, 23K, CO] reports in 2017, immigration activist Jeanette Vizguerra walked triumphantly out of a downtown church after 86 days avoiding deportation in sanctuary. She and supporters chanted "¡Sí se pudo!" – "Yes she could!" – in a celebration that many felt, at the time, like her struggle to remain in the country had come to an end. But, like many stories of small victories in the U.S. immigration system, Vizguerra's fight has re-emerged. She's been fighting a final deportation order since 2009, after she was caught driving with false documents. Since that time, Vizguerra has become a national celebrity within immigrants' rights circles, and was named one of Time Magazine's 100 most influential people in 2017 while she was living in sanctuary. A month later, U.S. Immigration and Customs Enforcement (ICE) announced she had been granted a stay of deportation, which allowed her to return home in time for Mother's Day. That stay hinged on a private bill introduced in the U.S. Senate by Michael Bennet that expires next month. Vizguerra is now raising money to hire new lawyers and, she hopes, close her case for good.

**[WA] Border Patrol arrests kept secret**

[Spokesman-Review](#) [2/4/2019 7:09 PM, Chad Sokol, WA] reports when a Portland comedian was detained by U.S. Border Patrol agents last weekend at the Spokane Intermodal Center, his account of the incident ricocheted around the internet, quickly gaining the attention of activists and policymakers across the country. But unlike the comedian, Mohanad Elshieky, most immigrants go quietly when they are stopped or arrested at Spokane's bus and train station. Even if they are handcuffed, booked into a county jail and then taken to the Northwest Detention Center in Tacoma, immigration officials generally refuse to disclose their names, citing a need to protect immigrants' privacy. The Border Patrol occasionally issues a news release to highlight the arrest of an immigrant with a criminal record, but even then it does not identify the person. The Border Patrol and U.S. Immigration and Customs Enforcement, or ICE, operate with a level of secrecy that separates them from most local, state and federal law enforcement agencies. Police departments, as well as federal agencies like the FBI, routinely provide names and other details of arrests, and further information can be found through public court records.



"In a federal (criminal) case, we can at least see the indictment and who the person is and what the charges are," said Hector Quiroga, a local immigration attorney who has represented clients arrested at the Intermodal Center. No such records are publicly available in an immigration case. Immigration officials argue the names of arrested immigrants aren't public information because their cases go through an "administrative" process rather than a criminal one. The policy of secrecy is handed down from the Privacy Office in the Department of Homeland Security, which includes ICE and Customs and Border Protection, which in turn includes the Border Patrol. "We're a part of DHS, so we're beholden to DHS policy," said Jason Givens, a Customs and Border Protection spokesman.

**[Ghana] Ghana Latest Nation Hit With U.S. Visa Sanctions for Non-Compliance**

[Epoch Times](#) [2/4/2019 9:16 PM, Charlotte Cuthbertson] reports that the Department of Homeland Security has issued visa sanctions against Ghana for failing to accept their nationals that the United States is trying to deport. The African nation is the seventh country hit with such sanctions by the Trump administration. In September 2017, Cambodia, Eritrea, Guinea, and Sierra Leone were sanctioned, and in July 2018, Burma and Laos were added. The sanctions most-often involve the suspension of B visas (temporary visitors for business or pleasure) to government officials. "American citizens have been harmed because foreign governments refuse to take back their citizens. These sanctions will ensure that the problem these countries pose will get no worse as ICE continues its work to remove dangerous criminals from the United States," then-ICE Acting Director Thomas Homan said in September 2017. After six months, ICE is forced to release illegal immigrants who are in detention and ready for deportation if their country of origin won't accept them or issue travel documents for them. The six-month deadline is pursuant to a 2001 Supreme Court ruling, *Zadvydas vs. Davis*.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Feb. 6, 2019**

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## Executive Office for Immigration Review

### Judge says immigration courts backlog is related to DOJ priorities

[The Hill](#) [2/5/2019 11:01 AM, Julia Manchester, 3038K] reports Immigration Judge Ashely Tabaddor on Tuesday said that immigration courts are dealing with a crisis in backlogs, in part, because of the Justice Department's role in pushing their department's priorities, which she said has resulted in docket shuffling. "The crisis in the courts is the fact that we are a court that's stationed in the Justice Department, run by the U.S. Attorney General – who's a prosecutor," Tabaddor, who is the president of the National Association of Immigration Judges, told Hill.TV's Buck Sexton and Krystal Ball in an appearance on "Rising." "One of the problems that we see with the use of the court as an extension of a law enforcement agency's priorities is this constant docket shuffling," she said. "So it takes years and years, and a long time for cases on each judge's docket to get ready for trial. Our judges have upwards of 4,000, 5,000 cases on their docket, so it takes several hearings before a case is ready for trial, but we're constantly told, 'hey, we want this set of cases to go first,'" she said. "So that adds to the backlog." The problem of backlogged cases reportedly increased



considerably during the partial government shutdown in December and January. ABC News reported last month that a number of immigration courts closed amid the shutdown, resulting in indefinite delays for cases. [Editorial note: consult source link for video]

**[MN] The view from here: what immigration attorneys who are immigrants themselves are seeing**

[Twin Cities Daily Planet](#) [2/5/2019 6:00 AM, Alia Jeraj, 2K, MN] reports that within the immigration system, lawyers "are the only ones between [the clients and] absolute chaos," said Maya Okafor (name changed to protect her identity), a former immigration attorney. Okafor discussed being a target. The current administration is "looking for attorneys who are breaking the rules. They're calling us 'dirty attorneys' who are helping people do bad things," Okafor said, referring to Attorney General Jeff Sessions' Oct. 12, 2017 remarks to the Executive Office for Immigration Review. U.S. deportations went down from 2016 to 2017 by about 14,000, but increased from Minnesota by over 1,000. While it's important to note that both of these numbers are still lower than in 2012, which accounted for the highest levels of arrests and deportations in the past 10 years, people working in immigration have witnessed dramatic changes since the last presidential election. For immigration attorney Anna Alizadeh, these changes are most apparent in the number of appeals that are made by government attorneys. "I think that's like their new policy is appeal everything," she said. She and other immigration lawyers serve as defendants in these cases, representing their clients seeking asylum or refuge or simply a home in the United States. The prosecutors in immigration court are lawyers representing the federal government. Once the judge has decided the verdict for a case, the losing side has the opportunity to appeal the verdict, sending the case to the Board of Immigration Appeals.

**[CA] After Shutdown, It's Hurry Up And Wait In LA's Immigration Court**

[LAist](#) [2/5/2019 7:00 AM, Leslie Berestein Rojas, 59K, CA] reports tens of thousands of canceled hearings. Delays of new cases. Judges with no time to review existing cases. Missing files. A shortage of court interpreters. This was the situation in L.A.'s immigration court as it reopened after the shutdown. President Trump launched his showdown with Congress in the name of getting tough on unauthorized immigration, but the five-week partial government shutdown dealt a blow to the administration's efforts to clear the courts' massive backlog and speed deportations. The federal agency that oversees the courts says people whose hearings were canceled during the shutdown - an independent group estimates there were more than 80,000 nationwide - will be receiving notices in the mail with a new hearing date. On a recent morning, attorney Richard Lucero emerged from the immigration court building in downtown Los Angeles after a hearing, his first after the shutdown ended. "Today I proceeded with my case. It was a status conference. The only difference is the government didn't have their file," he said. During the shutdown, the only cases heard were those of detained immigrants, a small percentage of the overall pending caseload. When courts like the one in downtown L.A. reopened, more cases had to be continued, judges say.

All this is happening against a pre-existing backlog of more than 800,000 pending cases nationwide. According to the Transactional Records Access Clearinghouse at Syracuse University, there are more than 76,000 pending cases in Los Angeles, home to the nation's second-busiest immigration court. "The shutdown was a huge, huge impediment to being able to complete cases," said Immigration judge Ashley Tabaddor, who works in the L.A. court. Of the hearings that were canceled during the shutdown, "the ones that were set for



trial will likely have to go to the end of the line," said Tabaddor, who is president of the National Association of Immigration Judges. According to the Executive Office for Immigration Review, which oversees the courts, people whose hearings were canceled may petition to move their hearing up once they receive a new court date. Because the courts are so backlogged, such petitions are rarely granted, said Lucero, the immigration attorney. It was just a few months ago that former Attorney General Jeff Sessions called on immigration judges to work through cases much more quickly and discouraged them from granting continuances. "If you don't have a very strong case here in the immigration court, it would benefit you to delay your case as much as possible, maybe hoping for a new administration," Lucero said. For people with strong cases who've spent months or years waiting for a hearing, "this shutdown is detrimental to you" because of the added delays, he said. [Editorial note: [AUDIO](#)]

## Policy and Legislative News

### Trump Asks for Unity, but Presses Hard Line on Immigration

[New York Times](#) [2/5/2019 11:30 PM, Peter Baker] reports that President Trump delivered a message of bipartisan unity on Tuesday night in his first address to Congress in the new era of divided government, but signaled that he will continue to wage war for the hard-line immigration policies that have polarized the capital and the nation. In a nationally televised speech that toggled between conciliation and confrontation, Mr. Trump presented himself as a leader who can work across party lines even as he pressed lawmakers to build a wall along the nation's southwestern border that leaders of the newly empowered congressional Democrats have adamantly rejected. "We must reject the politics of revenge, resistance and retribution, and embrace the boundless potential of cooperation, compromise and the common good," the president said. "Together, we can break decades of political stalemate. We can bridge old divisions, heal old wounds, build new coalitions, forge new solutions and unlock the extraordinary promise of America's future."

But Mr. Trump indicated no retreat from his almost singular pursuit of a border wall, directly taking on Ms. Pelosi, who has called it "immoral." He devoted 15 minutes of the hour-and-22-minute speech to immigration with no concession to Democratic priorities like a path to citizenship for immigrants brought into the country illegally as children. "This is a moral issue," Mr. Trump said as Ms. Pelosi sat unmoved behind him. "No issue better illustrates the divide between America's working class and America's political class than illegal immigration," he added. "Wealthy politicians and donors push for open borders while living their lives behind walls and gates and guards."

Additional reporting:

[Washington Post](#) [2/5/2019 10:41 PM, David Nakamura, 9763K]

[Washington Post](#) [2/5/2019 11:30 PM, Philip Rucker and Toluse Olorunnipa]

[Wall Street Journal](#) [2/6/2019 12:02 AM, Rebecca Ballhaus and Peter Nicholas]

[FOX News](#) [2/5/2019 10:44 PM, Samuel Chamberlain, 9216K]

[ABC News](#) [2/5/2019 10:26 PM, Staff, 2413K]

[Reuters](#) [2/5/2019 6:00 AM, Steve Holland]

[Breitbart](#) [2/5/2019 1:57 PM, Staff, 2015K]

[Washington Examiner](#) [2/5/2019 9:49 PM, Anna Giaritelli, 629K, DC]

[Washington Examiner](#) [2/5/2019 12:14 PM, Eddie Scarry, 629K, DC]

[Washington Examiner](#) [2/5/2019 11:44 AM, Paul Bedard, 629K, DC]



**Kellyanne Conway: National emergency an option "if Congress doesn't do its job"**

[CNN](#) [2/5/2019 10:23 AM, Staff, 851K] reports that President Trump will deliver his second State of the Union address. Senior Council to the President Kellyanne Conway defends Trump's request for bipartisanship that he will make in the address, saying, "The president has already signed into law major reforms like criminal justice reform and the opioid drug legislation last October that had overwhelming bipartisan support. We know it's possible." When asked about the "gap" that is keeping members of Congress from agreeing on legislation that the President would sign, Conway claims that Trump has "made so many" concessions in order to cooperate, but the Democratic party has issued a "child-like response" of one dollar for the border wall rather than a legitimate counter proposal. Conway says the ultimate goal is to "put something on the president's desk that solves border security once and for all and also keeps the government open." Conway shut down the claim that Trump may declare a national emergency "in defiance" of Republican opposition, saying that the decision "is in keeping with his belief that his first and solemn duty is to keep us all safe and part of doing that is making sure our southern border is secure. He is leaving the national security powers as an option if Congress doesn't do its job." [Editorial note: consult source link for video]

**Trump met with contractors Monday to discuss building border wall**

[CNN](#) [2/5/2019 4:39 PM, Kaitlan Collins] reports President Donald Trump met with contractors at the White House Monday to discuss building the border wall ahead of his State of the Union address, two sources with knowledge of the meeting told CNN. That follows meetings he held last week with his son-in-law and senior adviser, Jared Kushner, and contractors. Despite CNN reporting that several senior Senate Republicans and members of GOP leadership have raised serious concerns about the possibility of Trump bypassing Congress and using an emergency declaration to build his wall, the President's meeting with contractors shows that he is seriously considering doing so. The President is so fixated on building the wall that he told a group of political allies on Monday that he wants to paint a section of current border fencing where it meets the ocean in San Diego, a person familiar with the exchange told CNN's Jim Acosta.

**Trump wants a border wall. One of his biggest supporters in tech is expanding a virtual one.**

[Washington Post](#) [2/5/2019 8:55 AM, Cat Zakrzewski, 9763K] reports that President Trump's plan to build a wall along the U.S.-Mexico border is held up in a political stalemate with congressional Democrats. One of Trump's most prominent supporters in the tech industry tells me virtual border security is already here – and rapidly expanding. Palmer Luckey's company, Anduril Industries, is deploying a security system along the border designed to detect illegal crossings, using towers equipped with radar sensors and cameras, as well as artificial intelligence to spot abnormalities human eyes might miss. His company is expanding its systems in California this month under a contract with U.S. Customs and Border Protection.

After the longest government shutdown in U.S. history did not yield a breakthrough in border security negotiations, Democrats who are resistant to building a physical wall have said they are open to funding for a "smart wall," or some other alternative to secure the border using technology. As Trump is expected to amp up his calls for a wall in tonight's State of the Union address, Luckey says technology such as Anduril's system, known as Lattice, could be something that ultimately garners bipartisan support. Luckey is loudly



touting his border wall technology – in stark contrast from many technology titans who have grappled with internal pushback for their work with the Trump administration on immigration. Last year, employees protested Salesforce's software contracts with CBP and Amazon employees called on the company to cut ties with U.S. Immigration and Customs Enforcement. It's unlikely that Trump would accept a tech-based alternative to his long-held promises for a physical barrier at the Southern border. Luckey, for his part, says the country needs both. Anduri currently has a system deployed with U.S. Customs and Border Protection near San Diego, and it will be expanding its systems in California this month under a new contract. "There are areas where we need physical infrastructure, but I don't think we need it across the entire border," Luckey said. "What you do want is the ability to know what's happening along the entire border."

### **Trump says he'll build 'Human Wall if necessary,' to protect southern border**

[FOX News](#) [2/5/2019 10:30 AM, Andrew O'Reilly] reports that ahead of his State of the Union address Tuesday night, President Trump warned that he would use the military to form "a Human Wall" if he can't get funding for his proposed barrier along the U.S. southern border with Mexico. "Tremendous numbers of people are coming up through Mexico in the hopes of flooding our Southern Border," Trump tweeted. "We have sent additional military. We will build a Human Wall if necessary. If we had a real Wall, this would be a non-event!" The president's tweet comes just hours before he is set to deliver his State of the Union address, which was initially delayed amid the partial government shutdown. That standoff, which has only temporarily been resolved, was triggered by Trump's demand for border-wall funding, which Democrats rejected. Trump on Tuesday night is expected to make immigration and border security a centerpiece, and it comes days after the Pentagon announced the deployment of 3,750 more active-duty troops to the U.S. border with Mexico. A congressional committee is currently working to reach a deal on border security funding to avert another partial government shutdown, but Trump has hinted at declaring a national emergency if the deal doesn't include funds for a border wall. Trump already ordered the deployment in October 2018 of more than 2,000 troops to the border in response to the impending arrival of a caravan of asylum-seekers from Central America. The Pentagon has approved an extended U.S. deployment to the border through the end of September.

Reported similarly: [Newsweek](#) [2/5/2019 12:17 PM, Chantal Da Silva, 2656K]

### **Advocacy groups urge Democrats to oppose DNA collection and facial scanning at border**

[Washington Post](#) [2/5/2019 10:55 AM, Hamza Shaban] reports more than two dozen civil liberties and immigration groups are urging congressional Democrats to oppose measures that would advance the use of invasive surveillance tech at the U.S.-Mexico border. In a letter that will be sent Tuesday to House Speaker Nancy Pelosi (D-Calif.), the Democratic leadership and the full membership of the House, the groups argue that such technology would "intrude on the liberties of travelers, immigrants, and people who live near the border." Signed by Fight For the Future, the Electronic Frontier Foundation and the American Civil Liberties Union, among other groups, the letter was written in response to a proposal released last week by House Democrats calling for "Smart, Effective Border Security." Members of Congress have less than two weeks to reach an immigration deal before the government could shut down again. In their proposal, Democrats said they would advocate for, among other things, "New cutting edge technology along the border to improve situational awareness"; "an expansion of risk based targeting"; and an expansion



of U.S. Customs and Border Protection's "air and marine operations along the border and in U.S. waters" in negotiations with Republicans over immigration and border security.

Additional reporting: [The Hill](#) [2/5/2019 12:13 PM, Emily Birnbaum, 3038K]

### **Trump admin: reuniting migrant families may not be possible**

[MSNBC](#) [2/5/2019 9:33 AM, Steve Benen, 1363K] reports that last month, the Department of Health and Human Services' inspector general's office reported that the Trump administration separated more immigrant children from their parents than we previously knew, and it struggled to determine whether the families had been reunited. Yesterday, the Trump administration said in a court filing that reuniting thousands of migrant children separated from their parents or guardians at the U.S.-Mexico border may not be "within the realm of the possible." The filing late Friday from Jallyn Sualog, deputy director of the department of Health and Human Services' Office of Refugee Resettlement, was an ordered response in an ACLU lawsuit challenging the government's separation of thousands of children at the border since the summer of 2017. Sualog said her office doesn't have the resources to track down the children, whose numbers could be thousands more than the official estimate. In the same filing, the administration said there is no system in place that allows officials to track the children who were separated from their parents.

The Homeland Security Department's policy of separating children from their parents at the southern border will be back in the spotlight during a House Judiciary Committee hearing scheduled Feb. 12. Chairman Jerrold Nadler and fellow Democratic Rep. Zoe Lofgren, who chairs the subcommittee on immigration and citizenship, announced a lineup of witnesses Monday in a joint press release. Those scheduled to testify Feb. 12 include the chief of U.S. Customs and Border Protection, and top advisers from the Justice Department, Immigration and Customs Enforcement, and the Department of Health and Human Services. The announcement comes the same day as House Homeland Security Committee Chairman Bennie Thompson, D-Miss., announced DHS Secretary Kirstjen Nielsen agreed to testify before his committee in March. Nielsen, of course, was the Trump cabinet official who declared via Twitter in last June, "We do not have a policy of separating families at the border. Period."

Additional reporting: [CNN](#) [2/5/2019 4:41 PM, Priscilla Alvarez, 5847K]

### **Mexico sends mixed signals about U.S. returning asylum seekers**

[UPI](#) [2/6/2019 4:00 AM, Patrick Timmons] reports Mexico's government is sending mixed signals about who it will accept and how it will cope with an influx of migrants forced by the Trump administration to wait in Mexico for U.S. immigration court dates. The Remain in Mexico policy is adding to a sense of uncertainty and chaos in border cities like Tijuana. Mexico's Foreign Ministry has said it will accept some, but not all, asylum seekers returned by the United States for "humanitarian reasons" under what are formally called the Migrant Protection Protocols. It will not accept unaccompanied minors and people with health conditions, according to a recent statement. But the National Migration Institute, which is part of Mexico's Interior Ministry, has been disputing with the Foreign Ministry over key elements of Remain in Mexico. One key battle relates to the type of migrants the United States could return. Tonatiuh Guillén, head of the institute, said his agency will not accept anybody under age 18 or over 60, while the Foreign Ministry has issued no such restrictions. The National Migration Institute head has ruled out the return of migrant



families. But so far, the United States has only returned single adults, even though last week a Department of Homeland Security official told the Washington Post that U.S. Customs and Border Protection soon will start to return migrant families. The official said he expects to expand returns to El Paso/Ciudad Juárez from just Tijuana. Guillén rejected the idea of expansion to other border crossings, saying Mexico only would accept returned migrants at Tijuana. Guillén said Mexico cannot pay for services for migrants, who may have to wait in Tijuana for up to three months for their dates in immigration court. "The United States is not taking responsibility for the costs and which we will have to pay for. It's a challenge, and I don't have an answer. For me, nothing has been resolved," Guillén said during the week that Customs and Border Protection sent the first small groups of asylum seekers back to Tijuana to wait for immigration court hearings.

Additional reporting: [VICE](#) [2/5/2019 2:28 PM, David Noriega]

### **Trump immigrant crime hotline still faces hurdles, pushback**

[Washington Post](#) [2/5/2019 4:24 PM, Michael Balsamo and Colleen Long] reports that President Donald Trump picked the grandest stage to unveil one of his first immigration initiatives: Appearing before a joint session of Congress a month after taking office, Trump announced the creation of a hotline to help victims of crimes committed by immigrants. Almost immediately, the Victims of Crime Engagement hotline was immersed in controversy and confusion. Trump's critics saw the hotline, known as VOICE, as a cynical stunt that played to his political base, wasting millions of taxpayer dollars and perpetuating the false notion that immigrants are more likely to commit crimes than U.S. citizens. Others wrongly saw it as a hotline for reporting neighbors, colleagues or strangers they suspect are in the United States illegally. Its hurdle is to go beyond the political powder keg of the immigration debate and help crime victims in ways that local courts can't, such as providing details about whether their assailants have been deported. "I would stress no matter what opinion someone has, the fact remains that we are here to help victims," the head of the endeavor, Barbara Gonzalez, told The Associated Press. Gonzalez is a longtime civil servant with U.S. Immigration and Customs Enforcement, or ICE. Though ICE is responsible for arresting and deporting people in the U.S. illegally, Gonzalez stresses that her hotline isn't involved in that. It strives to help victims regardless of their immigration status. Callers aren't asked their immigration status when they call. Still, callers are warned that they are being recorded and their names, addresses, phone numbers and other information are collected and may be shared within the Department of Homeland Security.

Reported similarly: [Associated Press](#) [2/5/2019 3:04 PM, Michael Balsamo, et al.]

### **Illegal immigrants sent to jail at rate 4 times higher than U.S. citizens: study**

[Washington Times](#) [2/5/2019 1:08 AM, Stephen Dinan, 527K, DC] reports nearly 3 percent of illegal immigrants in Arizona end up in state prison or in jail during the course of a year – four times the rate of U.S. citizens and legal residents, according to a study that uses federal reimbursements for prisons and jails to try and calculate the statistics. In New Jersey, illegal immigrants are incarcerated five times more often, and rates on the West Coast are triple that of legal residents and citizens, according to the study by the Federation for American Immigration Reform. FAIR based its calculations on federal government reimbursements to states and localities under the State Criminal Alien Assistance Program, which pays some of the costs for holding illegal immigrants in prisons and jails. One analyst dismissed the calculations, saying SCAAP data counts are not comparable to other



incarceration counts. But FAIR says the SCAAP numbers are the best calculation because they focus on those known to be arrested on criminal charges and whom federal officials have concluded are in the country illegally. In the 10 states FAIR selected, they determined that illegal immigrants ended up behind bars at higher rates, per capita. FAIR, which advocates for a crackdown on illegal immigration, attempts to get at the overall rates of criminal behavior of people whom the government has confirmed are in the country illegally, and then to compare that to the rate of criminality by the rest of the population. In each of the 10 states studied, they found illegal immigrants incarcerated at higher rates.

President of the Crime Prevention Research Center John R. Lott Jr.'s research, using data from Arizona that differentiates between immigrants, found that legal immigrants had the lowest rates of incarceration, with citizens in the middle and illegal immigrants with the highest rates of crime. But Alex Nowrasteh, a senior immigration policy analyst at the Cato Institute, questioned FAIR's methodology. He said the data used to calculate the overall prison population doesn't link up with the SCAAP data, so trying to make incarceration comparisons doesn't work. Mr. Nowrasteh conducted such a calculation for SCAAP numbers nationally, for data from 2006 to 2015. He found that as a percentage of their respective subpopulations, illegal immigrants are less likely to be incarcerated nationwide than native-born Americans and legal residents. A study published last March in the journal *Criminology* found that communities with higher levels of illegal immigrant populations had lower levels of crime. Michael T. Light, a sociologist at the University of Wisconsin-Madison, calculated that a 1 percent increase in the unauthorized population meant 49 fewer crimes per 100,000 people. Given that, they concluded, immigration enforcement may backfire by raising crime rates beyond what they otherwise would be.

### **Rep. Doug Collins: These 3 immigration loopholes are incentivizing people to break our laws. Let's close them**

[FOX News](#) [2/5/2019 3:07 PM, Rep. Doug Collins] reports that Customs and Border Protection announced just days ahead of President Trump's State Union address that the number of family units entering the U.S. has increased 280 percent over the same time last year. Since this announcement, Congress' duty to respond to the array of concerns grows keener by the day – as does our passive abdication of that duty. Right now, a group of Senators and Representatives is negotiating how much money to dedicate to border security this fiscal year. Some lawmakers, myself included, believe a physical barrier would curb the influx of drugs and crime rippling across the southern border. Others have branded the wall as a non-starter. Members of both camps, though, share concerns that the status quo has brought suffering to families on either side of the border. They're right. The most urgent problems with American border policy are also some of the simplest to correct – even the Trump and Obama administrations share common ground here. Three loopholes in the law are currently incentivizing people to break our laws, and endanger men, women and children in the process. Lawmakers in the House have introduced the Fix the Immigration Loopholes Act to right these wrongs.

### **Migrant caravan reaches town on Texas border**

[Washington Post](#) [2/5/2019 5:51 PM, Associated Press] reports that a caravan of about 1,700 Central American migrants was camped Tuesday in the Mexican border city of Piedras Negras, just west of Eagle Pass, Texas. While previous caravans had preferred the border city of Tijuana, the relatively open section of the border around Eagle Pass is marked mainly by the Rio Grande and lacks the long sections of high barriers found in



Tijuana. Still, the U.S. Department of Homeland Security vowed that the "lawless caravan" would not be allowed in. "Approximately 2,000 aliens have arrived in northern Mexico as part of a 'caravan' seeking to cross the border into Texas. Illegal entry will not be tolerated and we stand ready to prevent it," DHS Secretary Kirstjen M. Nielsen wrote in a statement Tuesday, adding "DHS will take all steps to ensure the safety and security of law enforcement personnel on the frontlines." Images from local media show U.S. agents with riot gear and shields standing on a bridge separating Eagle Pass and Piedras Negras. DHS said Border Patrol agents had already apprehended some migrants who crossed the border illegally overnight.

Reported similarly:

[The Hill](#) [2/5/2019 4:05 PM, Morgan Gstalter]

[FOX News](#) [2/5/2019 12:20 PM, Griff Jenkins, 9216K]

[Breitbart](#) [2/5/2019 2:06 PM, Bob Price, 2015K]

[San Antonio Express-News](#) [2/5/2019 8:48 PM, John MacCormack, 39K, TX]

[El Paso Times](#) [2/5/2019 1:57 PM, Staff, 15K, TX]

#### **[PA] Pennsylvania State Police Enforce Policy to Prevent Racial Profiling**

[U.S. News & World Report](#) [2/5/2019 3:11 PM, Casey Leins, 2894K] reports Pennsylvania state troopers must now follow new policies that prevent racial profiling. Pennsylvania State Police troopers must follow new regulations, which went into effect last week, meant to prevent unlawful searches and detentions based on racial profiling. Media organizations ProPublica and the Philadelphia Inquirer published an investigative report in 2018 that revealed how some state troopers were turning minor traffic violation stops into immigration arrests. In response, Gov. Tom Wolf called for new police guidelines regarding how troopers can interact with outside agencies, including ICE. The report details the experience of 10 Latino men, whose van was pulled over for speeding. State trooper Luke C. Macke used the traffic stop to demand their passports, visas and work permits, question them about their immigration status and detain them for U.S. Immigration and Customs Enforcement without a warrant. According to ProPublica and the Philadelphia Inquirer, the state's troopers and local officers have sent so many Hispanic immigrants to ICE that the agency's Pennsylvania field office had more "at large" arrests of than any of its other offices around the country. Troopers are still allowed to call ICE, but they cannot detain the person whom they are reporting. Pennsylvania Immigration and Citizenship Coalition, one of the organizations that the police department consulted with when forming the new policies, is disappointed that troopers are still able to contact ICE.

Additional reporting: [The Daily Caller](#) [2/5/2019 4:13 PM, Jason Hopkins, 867K, DC]

#### **[NC] Sheriff Kimbrough says he will end policy of ICE detaining undocumented immigrants at the Forsyth County Jail**

[Winston-Salem Journal](#) [2/5/2019 11:00 PM, John Hinton, 47K, NC] reports Sheriff Bobby Kimbrough Jr. of Forsyth County said Tuesday he will end the sheriff's office contract that allows the U.S. Immigration and Customs Enforcement to detain people suspected of being undocumented immigrants in the Forsyth County Jail. Kimbrough made his announcement following a rally and news conference by a group supporting a man from Honduras who is being held at the jail following his arrest Monday. "What that means is the sheriff's office will no longer house immigration violators," Kimbrough said at his own news conference outside the jail. "Currently, the sheriff's office is not an extension, and will never will be an



extension, in this administration, of immigration services," Kimbrough said. The current contract with the U.S. Marshal's Service that allows ICE to use the jail ends on April 30, Christina Howell, a spokeswoman for the sheriff's office, said after the news conference. U.S. Marshals will still be able to put the fugitives they arrest into the Forsyth County Jail, Kimbrough said. But the jail staff will not accept ICE detainees for civil violations of federal immigration law when the contract ends, he said.

#### **[IL] Bloomington Police clear the air on ICE policy**

[Daily Vidette](#) [2/5/2019 9:25 PM, Elizabeth Seils, 8K, IL] reports the subject of immigration has been at the forefront of national discussion, highlighted by the recent government shutdown. Cities throughout the nation have passed immigration policies for their citizens, such as Chicago declaring itself a sanctuary city. The Town of Normal officially became a Welcoming City last summer. This means Normal police officers would carefully choose their interactions with Immigration and Customs Enforcement. Keeping Families Together, a coalition of local social justice organizations, proposed the same Welcoming City ordinance to the Bloomington City Council. However, it lacked votes to pass Public Information Officer John Fermon said. "Ultimately, there was not enough council support to pass an ordinance in Bloomington," he said. "However, the police chief has put certain practices in place in regards to this topic, including giving the directive to follow the Trust Act."

#### **[TX] Signs of Border Wall Construction Seen in South Texas As Debate Over Funding It Continues**

[Texas Monthly](#) [2/5/2019 5:17 PM, Mitchell Ferman, 74K, TX] reports that with a federal funding fight over a border wall occupying much of the country's consciousness – and expected to occupy much of President Trump's State of the Union address Tuesday night – many people don't realize that Congress already allotted nearly \$1.6 billion for wall construction last year. Thirty-three miles of wall construction in the Rio Grande Valley was appropriated by Congress in fiscal year 2018 when Republicans still controlled the House. Large construction contracts have been let, and on Friday, U.S. Customs and Border Protection said that heavy machinery was headed for South Texas where a contract worth nearly \$650 million has been awarded. Equipment may have already arrived-a large, yellow excavator was spotted alongside the National Butterfly Center on Sunday in the border town of Mission. Most of the private, 100-acre butterfly refuge is expected to be cut off by the wall, and it's not the only property where critics expect a wall to cause destruction. For years, U.S. Border Patrol vehicles have traversed the property searching for undocumented immigrants, but Marianna Treviño-Wright, executive director of the National Butterfly Center, said the sanctuary is not a staging ground for human or drug trafficking. The butterfly association has filed suit against the federal government in U.S. District Court in Washington, D.C., and Treviño-Wright testified before the U.S. House Committee on Natural Resources in January. U.S. Representative Henry Cuellar, D-Laredo, whose district extends along the Rio Grande from Laredo to Mission, voted in favor of the 2018 spending bill that appropriated \$1.571 billion for 33 miles of wall in South Texas. Cuellar now sits in a position of influence, being the only border member of the Homeland Security Conference Committee, which is currently trying to strike a deal with the president that would avoid another government shutdown-a prospect Trump said has a less than 50-50 chance. The butterfly association's legal challenge remains unresolved, and the case's future might be bleak.



**[NM] Governor of New Mexico withdraws troops from the National Guard of the border**

[Tech2](#) [2/5/2019 10:03 PM, Staff, 25K] reports New Mexico Gov. Michelle Lujan Grisham ordered the withdrawal of most of the National Guard troops from the state of the US border. Her Republican predecessor deployed National Guard troops to the border in April 2018 at Trump's suggestion, and 118 remained there before the reversal on Tuesday. "New Mexico will not participate in the presidential farce of the border traffickers for the misuse of our diligent National Guard troops," Lujan Grisham said in a statement. At the same time, the governor said a small contingent, about a dozen guards, will remain in the southwest corner of the state to help with humanitarian needs in a remote corridor for cross-border immigration. She also mobilized state police to help local authorities. The contingent of New Mexico border troops is dwarfed by the recent federal deployments of troops on active duty. The Pentagon announced on Sunday that it would send 3,750 more troops to the US-Mexico border to install barbed wire fences and provide support to Customs and Border Protection, increasing the total number to 4,350. Lujan Grisham traveled last month to the southern edge of New Mexico to receive information from the National Guard and Customs and Border Protection, explaining that he wanted to see the situation for himself. On Tuesday, she also ordered 25 soldiers from other states to withdraw from the New Mexico border.

**[OR] Lane County Sheriff Denies Unlawful Collaborating With ICE**

[KLCC](#) [2/5/2019 4:18 PM, Melorie Begay, 1K, OR] reports the Lane County Sheriff's Office denies allegations made by several immigrant rights groups, suggesting his department unlawfully aided Immigration and Customs Enforcement. Sheriff Byron Trapp says at no time was anyone instructed to violate any policy, referring to Oregon's sanctuary laws. Last week, the groups - including Causa, Centro Latino Americano, ALCU of Oregon, and Innovation Law Lab, sent a letter asking the Sheriff's Office to stop calling I.C.E. on people leaving jail, or allowing I.C.E. access to its back entrance. According to the letter, this would violate Oregon's Sanctuary Law prohibiting the use of state resources to assist I.C.E. in immigration-related issues. The sheriff's department, Trapp says, does not have a special or unique relationship with I.C.E. that differs from other law enforcement. He says the letter is misleading and misrepresents standard procedures. [Editorial note: consult source link for audio]

**[CA] Border Patrol Agents in California Attacked with Rocks Three Times, Say Feds**

[Breitbart](#) [2/5/2019 5:45 PM, Robert Arce, 2015K] reports U.S. Customs and Border Protection Agents and U.S. Army National Guard personnel came under recent rock attacks from Mexico while patrolling Calexico and El Centro, California. Three separate incidents occurred last week, leaving one Border Patrol agent injured and vehicle damage. The attacks began when Border Patrol arrested an unidentified illegal immigrant trying to jump the wall, according to local reports. They came under attack from unknown individuals on the Mexican side, striking one of the arresting CBP agents on the head. The agent was taken to a local hospital. The following day, U.S. Army National Guard personnel were in the same area placing concertina wire at the western section of the border fence when they also came under attack. The final incident occurred late last week when U.S. Customs and Border Protection Agents patrolling in Calexico once again came under attack. Seven similar incidents were reported in 2018, Breitbart News reported at the time. In at least two cases, agents required hospitalization.



## Legal News

### **[MI] Iraqis Tell 6th Circ. Earlier Ruling Erodes Habeas Rights**

[Law360](#) [2/5/2019 6:44 PM, Suzanne Monyak] reports a class of Iraqi citizens facing long-standing deportation orders urged the full Sixth Circuit on Monday to reconsider a split panel ruling that restricted noncitizens' ability to challenge their immigration detention and removal orders in federal court. In a motion for rehearing en banc, the class argued that the Sixth Circuit panel's 2-1 ruling — which threw out two injunctions pausing their removal orders and mandating bond hearings for detainees — conflicted with previous U.S. Supreme Court rulings and other judicial precedent and improperly stripped the district courts of authority to hear their claims. That December panel ruling had found that the class' removal claims were not judicially reviewable because the U.S. Constitution's suspension clause — which protects the writ of habeas corpus — does not apply to certain fear-based claims for deportation relief, known as a withholding of removal or a deferral of removal under the Convention Against Torture. The class also disputed the panel's conclusion that the statutory interpretation behind the injunction order on bond hearings was "foreclosed" by the U.S. Supreme Court's decision in *Jennings v. Rodriguez*, which held that noncitizens in mandatory detention may not be eligible for bond hearings. The class contended in Monday's motion that the "panel's gloss on the scope of *Jennings* is unambiguously wrong," arguing that mandatory detention is only authorized for those taken into immigration custody "promptly" after being released from criminal custody — unlike many of the Iraqis covered by this class action whose removals orders have been pending for years due to repatriation issues with the Iraqi government.

The two contested injunctions were issued as part of a habeas corpus class action petition filed in Michigan federal court by a group of Iraqi citizens who were detained during nationwide immigration sweeps in June 2017. U.S. District Judge Mark A. Goldsmith granted a first preliminary injunction a month later barring the federal government from deporting any Iraqi citizen with an operating order of removal as of June 2017, with a few exceptions. Many of the immigrants had long been on lists for deportation, but Iraq refused to accept them, according to court documents. After the U.S. and Iraq struck a diplomatic deal last year, the deportation gears started to turn. Few of the immigrants had a chance to take action on their cases before U.S. Immigration and Customs Enforcement swept in and detained them, severing their access to legal resources, Judge Goldsmith found. The majority of the Iraqi citizens arrested by ICE during those sweeps are Chaldean Christians who risk torture and persecution if returned to Iraq, according to court filings. The court then entered a second preliminary injunction order in January 2018 ordering the government to release certain detainees on bond unless an immigration judge finds they are a flight risk or a danger to the community. In September, Judge Goldsmith certified the class of Iraqi citizens who had operating orders of removal between March 2017 and June 2017 and who have been or will be detained by ICE.

### **[MN] Judge releases man facing deportation to Somalia**

[Star Tribune](#) [2/5/2019 9:06 PM, Maya Rao, MN] reports an immigration judge approved the release of Abdulkadir Sharif Abdi on Tuesday in a courtroom full of cheering friends and relatives, the latest twist in his long fight to avoid deportation to Somalia. The government has increased deportations to Somalia in recent years, but the Twin Cities immigration court agreed to take another look at Abdi's case last year after his attorney, John Bruning, said that his client's criticism of extremist group al-Shabab and its efforts to recruit local men



could endanger him if he returned to his homeland. After moving to the U.S. as a refugee in the 1990s, Abdi joined a gang and was convicted of car theft, receiving stolen property and three drunken-driving charges. He received a deportation order in 2002 and checked in with immigration officials for years — in the meantime leaving the gang life, sobering up and becoming a leader in the Somali addiction recovery community. He became a housing manager at the Park Avenue Center, a Minneapolis alcohol and drug treatment facility. But in January 2018, Abdi was detained at a routine check-in. He was scheduled last March to be a passenger on a deportation flight of 69 Somalis, two-thirds of whom had criminal convictions, according to Immigration and Customs Enforcement. Abdi's attorney sought a so-called withholding of removal, a sort of legal limbo that prevents him from being deported while not guaranteeing him asylum or citizenship. Judge Sarah B. Mazzie granted that request in November, but Abdi remained in detention at the Freeborn County jail pending a final custody review. On Tuesday, Mazzie ordered him to be released on his own recognizance.

### **[WA] Immigrant Activist Seeks Win In FOIA Suit Against ICE**

[Law360](#) [2/5/2019 8:59 PM, Suzanne Monyak] reports an immigrant-rights activist on Monday asked a federal court in Seattle to order U.S. Immigration and Customs Enforcement to conduct a more thorough search of records related to the agency's alleged methods of targeting its critics for deportation. Maria "Maru" Mora-Villalpando, the founder of Latino Advocacy, urged the court to grant her summary judgment in her lawsuit claiming ICE had not adequately responded to her Freedom of Information Act request. That request, submitted after deportation proceedings were initiated against her, sought documents and records related to ICE enforcement operations for her immigration case as well as the cases of other immigrant-rights activists. According to the motion, ICE has yet to turn over records related to the latter two requests: enforcement operations against other activists and I-213 forms — official ICE documents stating the basis for a noncitizen's removability — for other immigrant-rights activists with their identifying information redacted. Mora-Villalpando sued ICE, along with U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services, in May for allegedly withholding records after the agencies failed to fully respond to her FOIA request.

## **Enforcement News**

### **ICE lacking oversight of detention facility contractors**

[Federal News Radio](#) [2/5/2019 10:31 AM, Eric White, DC] reports U.S. Immigration and Customs Enforcement doesn't have a total border wall, and it doesn't have great contract oversight either. The Department of Homeland Security inspector general found that when it comes to detention facilities contractors, ICE doesn't adequately hold them accountable for written performance standards. ICE has a system called the Quality Assurance Surveillance Plan, but the agency almost never uses it to impose penalties on underperforming contractors. The IG noted thousands of instances of compliance failures. [Editorial note: consult source link for audio]

### **[MA] Norton man sentenced for viciously beating friend in jealous rage**

[Sun Chronicle](#) [2/5/2019 5:00 PM, Dave Linton, 12K, MA] reports a Norton man has been sentenced to 4 1/2 years in prison for beating a friend he suspected of having an affair with his girlfriend so badly that police initially thought the victim was struck by a car. Edras



Herrera, 34, was sentenced after pleading guilty in Fall River Superior Court to five charges including assault and battery by means of a dangerous weapon causing serious bodily injury, assault with a dangerous weapon and domestic assault and battery, Bristol County District Attorney Thomas Quinn announced Tuesday. Herrera beat 46-year-old Cesar Lopez unconscious on Nov. 11, 2017 after finding out Lopez was allegedly having an affair with his girlfriend. Herrera also pleaded guilty to hitting his 43-year-old girlfriend in Norton before grabbing her by the hair and forcing her into his car to confront Lopez at his home in Attleboro, according to court records. In addition to the prison sentence, Dupuis placed Herrera on probation for two years after he gets out of prison. Herrera, who is from Guatemala, is wanted by Immigration and Customs Enforcement and may be deported as a result of his conviction, according to the district attorney's office.

**[NY] Alleged NYC subway shooter, a suspected MS-13 member, was in U.S. illegally, ICE says**

[FOX News](#) [2/5/2019 3:36 PM, Greg Norman and Samuel Chamberlain] reports that the suspected MS-13 gang member accused of fatally shooting a member of a rival gang in broad daylight on a New York City subway platform is a Salvadoran national who is in the U.S. illegally, the Immigration and Customs Enforcement (ICE) agency told Fox News on Tuesday. Ramiro Gutierrez, 26, is set to face charges of second-degree murder, gang assault and criminal possession of a weapon in connection with the Sunday afternoon killing of 20-year-old Abel Mosso, who authorities said was a member of the rival 18th Street Gang. ICE said it had lodged an immigration detainer so that they could be contacted prior to his release. The midday attack – which happened in front of terrified and screaming commuters – occurred in an area of New York City's Queens borough where the two gangs have been battling for influence. One subway passenger's graphic video of the incident has been widely circulating on social media. Gutierrez was taken into custody Monday and charged early Tuesday morning. Authorities have since revealed that the suspect was free on \$2,500 bail after being busted on attempted murder and other charges late last year. In December, Gutierrez, who also goes by the nickname "Caramalo," was indicted alongside 11 other alleged MS-13 gang members by a Queens County grand jury "on various charges including attempted murder and conspiracy, in addition to drug and weapons charges," ICE said. ICE said in a statement at the time that Gutierrez and two of his associates – 21-year-old Josue "Colocho" Levia and 20-year-old Angel "Chamuco" Romero – were plotting to raid a home in Queens where they believed \$80,000 was stashed inside. The attempted murder charge appeared to stem from an alleged plan to kill someone who wanted out of the gang, according to the ICE news release. NYPD officers, working in tandem with ICE officials and the Queens District Attorney's Office, said they overheard discussions of the alleged home invasion plot and stopped it from unfolding.

Additional reporting:

[The Hill](#) [2/5/2019 11:20 AM, Joe Concha]

[Newsweek](#) [2/5/2019 1:31 PM, Maria Perez, 2656K]

[New York Post](#) [2/5/2019 10:15 PM, Tina Moore, Kaja Whitehouse, et al., 3265K]

[NBC New York](#) [2/5/2019 9:47 PM, Andrew Siff, 164K, NY]

[Daily Wire](#) [2/5/2019 1:09 PM, Amanda Prestigiacomo, 996K, CA]

**[NJ] Feds Arrest Alleged H-1B Visa Schemer, IT Recruiter**

[Law360](#) [2/5/2019 6:44 PM, Tiffany Hu] reports the owner of a New Jersey-based staffing company was arrested Tuesday on charges that he submitted fraudulent documents for



foreign information technology workers seeking H-1B visas, and then covered up his actions when he applied to be a U.S. citizen. Neeraj Sharma, the owner and CEO of staffing company Magnavision LLC, was charged in New Jersey federal court with visa and naturalization fraud, according to a press release by the U.S. Attorney's Office for the District of New Jersey. Sharma allegedly submitted paperwork to U.S. Citizenship and Immigration Services falsely claiming that a national bank had agreed to hire 11 foreign IT workers for full-time positions — a requirement for obtaining H-1B visas — when in fact he never secured work for the applicants and forged bank executives' signatures on the bank's letterhead, the release said. Sharma then hid the purported scheme when he applied for his own citizenship in April 2017, which was approved later that year, according to the release. The complaint filed with the court Monday alleges that Sharma submitted the visa petition applications containing the forged letters from around April 2015 to April 2017. At the time, he was an Indian citizen and a lawful permanent resident of the U.S. before becoming a permanent resident in December 2017, according to the complaint. Before he was naturalized, USCIS allegedly discovered seven H-1B applications with the forged letters, while U.S. Department of Homeland Security's Homeland Security Investigations discovered four forged letters, prompting the agency to verify with the bank that it had neither signed nor submitted the letters in question, according to the complaint.

**[NJ] Clifton detective breaks foot during chase; suspect turned over to ICE**

[North Jersey Record](#) [2/5/2019 7:27 PM, Matt Fagan, 102K, NJ] reports a city detective broke his foot while chasing a 19-year-old suspect who was eventually turned over to Immigration and Customs Enforcement officials on an outstanding warrant. The suspect, who police refused to name, was initially arrested on Jan. 30 and charged with possession of drug paraphernalia and resisting arrest. Based on his fingerprints, ICE informed local police on Feb. 1 that the suspect had given a false name during the arrest and was wanted on an outstanding immigration warrant, said police spokesman, Detective Lt. Robert Bracken. Narcotics detectives located and apprehended the suspect once again. His charges were upgraded due to a detective's injury caused during the Jan. 30 arrest.

**[NC] Officials: Approximately 30 taken into custody in ICE raid**

[Washington Times](#) [2/5/2019 2:43 PM, Associated Press, DC] reports authorities say approximately 30 people have been taken into custody after a raid by U.S. Immigration and Customs Enforcement agents at a North Carolina manufacturing plant. A statement from the Lee County Sheriff's Office on Tuesday said the raid on the plant in Sanford was the result of an ongoing investigation into identity theft and fraud. The statement said the sheriff's office assisted ICE agents at the request of federal officials.

[Charlotte Observer](#) [2/5/2019 1:43 PM, Thomasi McDonald, NC] reports U.S. Immigration and Customs Enforcement "executed a search warrant" at Bear Creek Arsenal on Tuesday morning, ICE spokeswoman Carissa Cutrell wrote in an email to The News & Observer. This is an ongoing investigation, and further details are not available at this time," she wrote, adding that Homeland Security Investigations led the operation. ICE agents entered the weapons factory on McNeill Road about 8 a.m., reported Qué Pasa, a Spanish-language media organization in Raleigh. People were ordered inside a breakroom and were not allowed to leave unless they had identification, Qué Pasa reported. "It's unclear at this time if the local business was at fault," Carter said, adding that the raid was isolated to one location. Viridiana Martinez, a spokeswoman with Alerta Migratoria, told The News & Observer that the local Latino advocacy group has heard from people inside the factory who



said the ICE agents were looking for specific people. At one point, Martinez said, 70 people were detained. Martinez said Sanford has long been a destination for immigrants because they can often find jobs with local businesses.

Reported similarly:

[WRAL](#) [2/5/2019 1:50 PM, Staff, 388K, NC]

[CBS 17](#) [2/5/2019 2:38 PM, Staff, 24K, NC]

[ABC 11](#) [2/5/2019 1:57 PM, Staff, 4K, NC]

[WECT](#) [2/5/2019 3:14 PM, Staff, NC]

[WUNC](#) [2/5/2019 3:49 PM, Associated Press, NC]

### **[GA] Lawyers For 21 Savage Explain 'DREAMer' History, Characterize Detention As Baseless**

[NPR](#) [2/5/2019 7:53 PM, Andrew Flanagan] reports 21 Savage, the Atlanta-based rapper detained on Sunday by U.S. Immigrations and Customs Enforcement, or ICE, has released a statement with details on his immigration status, characterizing his detention as baseless. The statement, issued through five law firms and a management company, says 21 Savage, born She'yaa Bin Abraham-Joseph, is from the United Kingdom and that he lost his legal immigration status in 2006, when he was barely a teenager. "As a minor, his family overstayed their work visas, and he, like almost two million other children, was left without legal status through no fault of his own," Charles H. Kuck, a lawyer for Abraham-Joseph, said in a statement issued Monday. In a separate statement issued Tuesday, Abraham-Joseph's representatives explicitly compared his situation to the roughly 700,000 young people who are legally in the U.S. because of the Deferred Action for Childhood Arrivals program. The Trump administration's attempts to repeal DACA have been blocked repeatedly in court. Kuck explained that his client "has never hidden his immigration status from the U.S. government" and that Abraham-Joseph filed for a U Visa in 2017 — "yet they took no action against him until this past weekend."

Nick Valencia, the CNN reporter who broke the news of Abraham-Joseph's detainment on Sunday, quoted an ICE spokesperson as saying that the rapper's "whole public persona is false," a statement presumably pointed at the rapper's lyrical references to growing up in Atlanta. The statement from Abraham-Joseph's representatives also claims he has "no criminal convictions or charges under state or federal law," which would bolster his case for release while his 2017 visa application is processed. Kuck's Monday statement asserted his client's detention was based on "incorrect information" about previous drug charges. Last June, a GQ profile of the rapper mentioned a previous arrest on "serious felony drug charges," which the artist directly addressed in the interview, but a representative for Abraham-Joseph did not immediately respond to a request for clarification. As his representatives' Tuesday statement points out, 21 Savage changed the lyrics to his hit song "A Lot" last week during an appearance on The Tonight Show to address the Flint water crisis and the detention of children at the border: "I can't imagine my kids stuck at the border / Flint still need water / People was innocent, couldn't get lawyers." Abraham-Joseph's lawyers insinuated that the changed lyric may have been a factor in his detention.

### **[GA] Everything to Know About Rapper 21 Savage, Who Was Arrested by ICE After Reportedly Overstaying Visa**

[People](#) [2/5/2019 2:00 PM, Brianne Tracy, 2648K] reports that after 21 Savage was arrested on Sunday by U.S. Immigration and Customs Enforcement, many fans were left questioning everything they know about his persona. The rapper has long been hailed as a



local act from Atlanta, but according to multiple reports, ICE claims he is actually a citizen of the United Kingdom and has overstayed his visa. ICE spokesman Brian Cox told The Atlanta Journal-Constitution that the 26-year-old, born Shayaa Bin Abraham-Joseph, was arrested in a "targeted operation" early on Sunday morning. Cox reportedly said the rapper is an "unlawfully present United Kingdom national" who entered the country legally as a teenager in July 2005 on a visa, which expired the following year. "In addition to being in violation of federal immigration law, Mr. Abraham-Joseph was convicted on felony drug charges in October 2014 in Fulton County, Georgia," an ICE spokesman said in a statement, according to Fox 5 Atlanta. "Mr. Abraham-Joseph is presently in ICE custody in Georgia and has been placed into removal proceedings before the federal immigration courts. ICE will now await the outcome of his case before a federal immigration judge to determine future actions." According to CNN reporter Nick Valencia, a spokesman for ICE claimed that the rapper's "whole public persona is false."

[Huffington Post](#) [2/5/2019 4:41 PM, Andy Campbell, 6834K] reports Rep. Hank Johnson (D-GA) wrote a letter to an immigration judge in defense of 21 Savage, the Atlanta-based rapper Immigration and Customs Enforcement arrested over the weekend and has accused of overstaying a visa from the United Kingdom. Johnson argued that 21 Savage is a "remarkable young man" with "deep family roots and personal ties to the state of Georgia," according to the letter dated Feb. 3 and obtained by the Atlanta Journal-Constitution. He called Abraham-Joseph a charitable man who has spent his time and resources on the community and his family. Johnson argued the rapper should be released on bail, but ICE so far has refused to do so. [Editorial note: consult source link for video]

[Newsweek](#) [2/5/2019 10:59 AM, Janice Williams] reports attorney Charles H. Knuck claimed Savage's arrest is "based upon incorrect information about prior criminal charges." Knuck released a statement that noted Savage was being held by ICE without bond "despite the fact that he has a pending U-Visa application with the USCIS, and that has relief from removal available to him." Knuck also challenged the agency's decision to keep Savage in custody. "ICE can only continue to detain individuals who are a threat to the community or a flight risk to not show up at their hearings," he said. According to Knuck, Savage's continued detainment is a civil law violation, considering the rapper has not been charged with any crimes. "This is a civil law violation, and the continued detention of Mr. Abraham-Joseph serves no other purpose than to unnecessarily punish him and try to intimidate him into giving up his right to fight to remain in the United States," he said.

Reported similarly:

[FOX News](#) [2/5/2019 6:12 PM, Sasha Savitsky, 9216K]

[People](#) [2/5/2019 10:10 PM, Robyn Merrett and Sarah Michaud, 2648K]

[Breitbart](#) [2/5/2019 12:37 PM, Staff, 2015K]

[Rolling Stone](#) [2/5/2019 6:41 PM, Brendan Klinkenberg, 1371K]

[Bustle](#) [2/5/2019 8:29 AM, Joseph D. Lyons]

[Epoch Times](#) [2/5/2019 2:52 PM, Zachary Stieber, 221K]

[Atlanta Journal-Constitution](#) [2/5/2019 2:00 PM, Jennifer Brett, 644K, GA]

### **[MI] Farmington University scam: Lawyer says many Indian students are held in deplorable conditions at detention centers**

[American Bazaar](#) [2/5/2019 3:43 PM, Zofeen Maqsood, 5K] reports a lawyer representing several students held in connection with the fake Farmington University has accused U.S. immigration authorities of keeping the detainees in "deplorable conditions." Some 129



Indian students, who came to the United States to attend the Farmington University, are in the US Immigration and Customs Enforcement custody in more than three-dozen detention sites across the United States. Farmington, a fake school in the Detroit area set up by ICE as part of a sting operation, since then been closed. Atlanta-based immigration lawyer Phani Bobba told the American Bazaar that he has been receiving many frantic calls from the students who are anxious and scared. Bobba said, while the issue about food is felt in detention centers across the country, in one center, in Boston, detainees have complained about the cleanliness of their cells. At least seven of the Indian students are kept in the Boston center. An ICE spokesperson denied that detainees are having any issues with food. "ICE is committed to ensuring that those in our custody reside in safe, secure and humane environments and under appropriate conditions of confinement," he told the American Bazaar in an email. "If you have information about specific detainees, I'd be happy to research those cases individually."

#### **[IA] Sioux Center man sentenced for sexual assault**

[KTIV](#) [2/5/2019 2:20 PM, Blake Branch, 10K, IA] reports that Sioux Center man has been sentenced to two years in prison after authorities say he had sex with a minor. Twenty-year-old Edgar Diego was sentenced Tuesday in Sioux County District Court for Assault with Intent to Commit Sexual Abuse, and Possession of Marijuana. Diego was sentenced to 180 days in jail for the marijuana charge. The sentences will run consecutively. After his prison terms are over, the U.S. Immigration and Customs Enforcement (ICE) will take custody of Diego and begin deportation proceedings.

#### **[IA] Guatemalan sentenced for document fraud**

[The Courier](#) [2/5/2019 11:20 AM, Staff, IA] reports that a Guatemalan man who used another person's Social Security number to complete employment paperwork was sentenced Monday to five months in a federal prison. Adner Toj-Velasquez, 35, who was illegally in the United States and residing in Postville, received the prison term after a Nov. 26, 2018, jury verdict finding him guilty of one count of misuse of a Social Security number. The evidence at trial showed that on Feb. 8, 2015, Toj-Velasquez used someone else's Social Security number on employment and tax documents when applying for work in Luana. On the employment form, Toj-Velasquez falsely claimed to be a United States citizen. The case was prosecuted by Assistant U.S. Attorney Daniel C. Tvedt and investigated by the Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations.

#### **[TX] Force-feeding detainees may be wrong, but it's not torture**

[Washington Examiner](#) [2/5/2019 12:50 PM, Katie Anderson, 629K, DC] reports, "They have tubes that have been shoved through their noses ... It's extremely painful, and it's against their will," Ruby Kaur said of the recent action taken by U.S. Immigration and Customs Enforcement to feed detainees on a hunger strike. Last month, nine individuals refused to eat in protest of how they were being treated at an ICE detention facility in El Paso, Texas. Over the weekend ICE confirmed that they are now feeding the detainees without their consent after the detainees missed nine consecutive meals. A similar case happened in May of 2017, where a Ukrainian man refused to eat for nearly three weeks. American officials have also faced this issue with prisoners in Guantanamo Bay, who went on a hunger strike during Ramadan. In all of these cases, judges ruled that their health and safety must be upheld, even if it requires force-feeding. For many people with failing health, a NG tube is the only way to maintain a healthy and steady weight. According to the



Scientific American, "many thousands of people" use a NG tube, the same method being used to feed prisoners and detainees who refuse to eat. While irritating and certainly uncomfortable, being "force-fed" through a NG tube is not "torture."

**[NE] Attorney says ICE denied access to lawyer while interrogating man in O'Neill immigration case**

[Lincoln Journal Star](#) [2/5/2019 12:10 PM, Lori Pilger, 90K, NE] reports that ICE agents and federal prosecutors kept a man from seeing his lawyer last summer after he was arrested in an immigration raid at Elkhorn River Farms, his attorney said in a court filing Friday, calling it an "effective hijacking of the Constitution." Eric Beringer, a supervisor at the farm near O'Neill, is accused of conspiring with Juan Pablo Sanchez-Delgado, who ran two staffing companies, and others to help people who were in the country illegally get agricultural jobs. On Aug. 8, special agents of U.S. Immigration and Customs Enforcement arrested Beringer and about 50 others at Elkhorn River Farms, for allegedly being part of the plot or for being in the country without permission. Lincoln attorney John Berry said Beringer was handcuffed and shackled and driven about an hour to a park where those arrested were allowed to use park bathrooms, then waited in vans without air conditioning as agents spent about an hour at a Dairy Queen. They ultimately were taken to a makeshift detention facility in Grand Island, where they were interrogated in outdoor tents before they were booked.

That same day, Elkhorn River Farms hired Berry Law Firm to represent Beringer, Berry said. He said Justin Kalemkarian, an attorney at the firm, immediately drove to Grand Island to meet with Beringer and advise him of his rights, while Berry left a voicemail for Assistant U.S. Attorney Lesley Woods to inform her they'd been retained. But, Berry said, when Kalemkarian got there, an ICE agent wouldn't allow him to see Beringer, saying he didn't have a right to counsel until the following day.

**[NV] Reno, Gardnerville murders: Martinez-Guzman faces preliminary hearing in Carson City**

[Reno Gazette-Journal](#) [2/5/2019 4:16 PM, Marcella Corona, 59K, NV] reports the man suspected of murdering four people in Reno and Gardnerville is set for a preliminary hearing this week for burglary-related charges in Carson City. Wilber Martinez-Guzman is scheduled for the hearing at 9:30 a.m. Friday at the Carson City Justice Court. He faces 36 counts of felony weapons charges, burglary charges, possession of stolen items and immigration charges. He also faces murder charges in Washoe County, but a court hearing has not been set yet. As of Tuesday, it was not known when the murder case against him would proceed. The 20-year-old man was accused of killing Connie Koontz, Sophia Renken and Jerry and Sherri David in a crime spree that started in early January. He allegedly stole a .22-caliber handgun and shot and killed all four victims, court records show. Paige Hughes, spokeswoman for U.S. Immigration and Customs Enforcement, said a detainer was lodged against Martinez-Guzman. "If he's released from jail, law enforcement will contact us, and we will pick him up and we will start the proceedings for his deportation," she said. [Editorial note: consult source link for video]

**[CA] He's A Navy Veteran, Advocate, And Leader: His Past Crimes Could Get Him Deported**

[Valley Public Radio](#) [2/5/2019 8:17 PM, Monica Velez, 1K, CA] reports Joaquin Antonio Sotelo Tarin points to the various medals pinned on the left side of his Navy uniform: there's an Aviation Warfare Specialist insignia, an Operation War on Terrorism Medal, an Iraqi Freedom Medal, a National Defense Service Medal, and a Good Service Medal. The 37-



year-old served four years in Iraq, Kuwait, and Afghanistan. In 2005, he was honorably discharged and when he returned to the United States, civilian life was difficult. Now, because of Sotelo Tarin's crimes, the government is trying to deport him. According to Merced County Superior Court records, Sotelo Tarin spent 6 months in jail in 2008 after being convicted of a felony hit-and-run. He spent another 6 months in jail in 2009 for possessing a controlled substance. He spent 18 months in prison for drug-related offenses and domestic violence. Sotelo Tarin didn't comment specifically on his past crimes because his immigration case is ongoing, but he says he's faced up to the consequences of his actions and takes responsibility for everything he has done. His attorney, Etan Newman, says after Sotelo Tarin was released from prison in 2015, he was transferred to immigration custody. "He finally got a hearing in front of an immigration judge who decided he was appropriate for release and that he had shown rehabilitation, that he was committed to continuing his rehabilitation outside of detention," Newman says. ICE has continued since that bond hearing to try and appeal that decision and re-detain Joaquin and keep him in detention throughout the rest of his deportation proceedings and ultimately try to deport him," Newman says. Sotelo Tarin's next immigration hearing is scheduled for February 11.

**[HI] ICE arrests Japanese dorm mother exonerated on sex assault charges**

[Hawaii News Now](#) [2/5/2019 8:07 PM, Staff, 102K, HI] reports a Japanese national who was accused of sexually assaulting an exchange student last year was arrested Tuesday by American immigration officials, sources tell Hawaii News Now. Rika Shimuzu was taken into custody by Immigration and Customs Enforcement agents, posted bond, and given an ankle monitor. Prosecutors alleged Shimizu had raped a 16-year-old boy multiple times while he was bedridden with a concussion. Last month, all the charges against her were dismissed after a judge found serious flaws with the police investigation. The State Department revoked her E-2 visa during those legal proceedings, which led to her arrest Tuesday, her attorney Gary Singh confirmed. Singh says Shimizu is due in immigration court on March 27. Shimuzu told Hawaii News Now after the dismissal that she plans on continuing with her business and hopes to clear her name.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Thursday, Feb. 7, 2019**

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## Executive Office for Immigration Review

### [WA] Astoria man detained by ICE eligible for asylum

[Daily Astorian](#) [2/6/2019 12:00 PM, Brenna Visser, OR] reports an immigration judge has found that an Astoria man detained by agents in December near the Clatsop County Courthouse is eligible for asylum over concerns about his safety if he were to return to Mexico. Ruben Vera Perez, who appeared at a hearing at the Northwest Detention Center in Tacoma on Tuesday, is also eligible to have his deportation canceled. He could qualify for a cancellation of removal — a legal procedure that would essentially end the deportation process — because his deportation would cause unusual hardship on his wife and children, who are all U.S. citizens, and because he has lived in the U.S. for more than 10 years. "There's hope," Maria Perez, his wife, said after the hearing. Ruben Perez was detained after he appeared in Circuit Court to handle a probation matter related to a drunken-driving case. While driving to the county jail to check in with a pretrial release officer, Maria Perez said she was stopped by authorities in two unmarked vehicles who subsequently took her husband into custody. Since then, local activists have been raising money to help support the family while he's away. A vigil was held in January to bring attention to the nature of his detention. More than \$1,000 has been raised on a GoFundMe page set up and circulated by Indivisible North Coast Oregon to help the family pay bills. Maria Perez and her supporters have been working on getting Ruben Perez released on bond while his deportation is reviewed. Astoria Mayor Bruce Jones and former Mayor Arline LaMear have written letters to the immigration court in support of Perez, asking that he be brought back to the community. Jones asked the immigration court to consider the economic impact of removing people like Ruben Perez at a time when workers are in short supply. Perez's detention has also put a local spotlight on a national controversy about U.S. Immigration and Customs Enforcement arrests at or near courthouses.



## Policy and Legislative News

### **Congressional negotiators seek contours of border deal as shutdown looms**

[Washington Post](#) [2/6/2019 2:05 PM, John Wagner, Mike DeBonis and Erica Werner] reports congressional negotiators worked toward a deal Wednesday that could increase fencing along the U.S.-Mexico border without delivering President Trump the wall money he wants, as pressure built to reach agreement ahead of a government shutdown deadline next week. A bipartisan committee of House and Senate lawmakers traded offers behind the scenes, with Democrats saying money for border barriers was on the table and Republicans acknowledging they won't get Trump the \$5.7 billion he has sought for his wall. Lawmakers hope to have a tentative deal by Friday or soon thereafter, to allow time for the legislation to pass the House and Senate by Feb. 15. That's when funding will run out for a large portion of the federal government, causing another partial shutdown, if Congress and Trump don't act first. Leaders of both parties made clear that, after the nation's longest-ever government shutdown ended late last month with Trump signing a short-term spending bill that included no new money for his wall, they want to reach finality soon to avoid another funding lapse.

House Speaker Nancy Pelosi (D-Calif.) said she thinks House and Senate negotiators could reach a deal by the end of this week if "left to their own devices." She said that she would be willing to support any compromise on border security that they produce and that she has urged the White House to adopt the same "hands-off" posture. Pelosi said she relayed to Senate Appropriations Committee Chairman Richard C. Shelby (R-Ala.), one of the lead negotiators, that "whatever you all come to an agreement on, bipartisan agreement, I will support it." Members of the Congressional Hispanic Caucus released a letter to members of the conference committee Wednesday asking them to oppose spending increases for Trump's wall or for immigrant detention. "The Trump administration has carried out its anti-immigrant agenda with appropriated funds from Congress," the letter says. Shelby and other Republicans on the conference committee organized a closed-door briefing Wednesday with Border Patrol and U.S. Customs and Border Protection representatives that Democrats agreed to attend. The briefers were career professionals, including Border Patrol Chief Carla Provost, as opposed to Trump administration political appointees. But the briefing didn't appear to produce any breakthroughs, and Democrats on the conference committee said the briefers seemed determined to support Trump's \$5.7 billion request for the wall.

Additional reporting:

[Politico](#) [2/6/2019 5:55 PM, Jennifer Scholtes, Ted Hesson and Caitlin Emma]

[Politico](#) [2/6/2019 4:42 PM, Nancy Cook]

[Bloomberg](#) [2/6/2019 2:05 PM, Erik Wasson and Laura Litvan]

[CNN](#) [2/6/2019 9:01 AM, Phil Mattingly]

[Roll Call](#) [2/6/2019 4:33 PM, Lindsey McPherson, 90K]

### **Former Acting ICE Director Tom Homan Says Trump Gave 2 Shining Examples On Why Walls Work During Speech**

[The Daily Caller](#) [2/6/2019 9:31 AM, Nick Givas, 867K, DC] reports that former acting Immigration and Customs Enforcement Director Tom Homan said President Donald Trump provided two major examples of border wall successes during his State of the Union address Tuesday and gave Democrats an immigration ultimatum. "There's an ultimatum out



there, right? I think we're going to find out by the 15th what he's going to do. So either they give him the money for the wall or he declares a national emergency. That's what I'd like to see," Homan said on "Fox & Friends" Wednesday. "Because the one thing he said last night that he didn't say in the Oval Office, which I really appreciated him saying – he gave them examples of why the wall is effective. When he talked about San Diego and El Paso, I was hoping he'd do that during his Oval Office meeting, because Democrats say the wall's ineffective. What he did last night, talking about two examples, he clearly showed the American people where that wall has been built, it resulted in decreased immigration, decreased crime." Homan specifically highlighted San Diego and said its border barrier and the strong presence of immigration agents were key factors in stopping the caravan surge at the southern border. "The wall, if you think about it, if you use San Diego as an example and the caravan surged the border, when they ran on the border – two things stopped that caravan from being in San Diego today: the existing border barrier and the men and women in green," Homan said. "And that's exactly what this president has asked for – more border patrol agents and a barrier," he added. [Editorial note: consult source link for video]

Additional reporting:

[Huffington Post](#) [2/6/2019 10:20 AM, Jenna Amatulli, 6834K]

### **'He Nailed It': 'Angel Parents' Praise Trump's Call for Wall, Border Security Deal**

[FOX News Insider](#) [2/6/2019 9:52 AM, Staff] reports Sen. Marsha Blackburn (R-Tenn.) invited the parents of a young man killed by a suspected illegal immigrant to attend Tuesday's State of the Union event. In his address, President Trump spoke about the need for border security, and he lamented the damage and deaths caused by illegal immigrant crime. "Year after year, countless Americans are murdered by criminal illegal aliens," Trump said. "I've gotten to know many wonderful Angel moms, dads and families -- no one should ever have to suffer the horrible heartache they have endured." Two of those "Angel parents" are D.J. and Wendy Corcoran, whose 22-year-old son Pierce was killed Dec. 29 after a suspected illegal immigrant allegedly swerved into oncoming traffic. On "Fox & Friends" Tuesday, Blackburn said the Corcoran's tragedy highlights the damage caused by illegal immigration, which also includes drugs, gang activity, human trafficking and sex trafficking. Mrs. Corcoran said Trump's State of the Union remarks on immigration were exactly what they "hoped to hear," explaining that the president is trying to get Congress to work toward a bipartisan resolution on border security funding. She added that Trump's long-promised wall along the U.S.-Mexico border is the "perfect start" toward comprehensive immigration reform. Mr. Corcoran, a captain with the Knoxville Fire Department, said that Trump "nailed it" in his address.

### **Trump's State of the Union attack on migrants ignores their most characteristic trait**

[Washington Post](#) [2/6/2019 5:02 PM, Tomás R. Jiménez, 9763K] reports in his State of the Union address Tuesday, President Trump once again presented his case for a wall on the United States' southern border. There is plenty to debate about what such a wall would accomplish, but the president has no doubt: It would keep out bad stuff, such as drugs and guns, and bad people, who commit crimes and damage the U.S. economy. The president's claims about crime are factually dubious. As Christopher Ingraham noted in The Post last June, "The social-science research on immigration and crime is clear: Undocumented immigrants are considerably less likely to commit crime than native-born citizens." Study after study rebuts the migrants-as-criminals argument. As Trump noted elsewhere in his speech — contradicting the dire economic terms of his immigration discussion — the United



States is experiencing an economic boom of low employment and rising wages. That migrants are drawn to the United States, as they always have been, is because of the opportunities it offers. They are among the most motivated people in the world; migrants can affirm and strengthen essential elements of the American character.

[New York Post](#) [2/6/2019 4:48 PM, Marisa Schultz, 3265K, NY] reports President Trump said Wednesday that his ad-lib comment that he wants legal immigrants "in the largest numbers ever" was a shift in policy – which up until now focused on a crackdown on illegal immigrants. "I need people coming in because we need people to run the factories and plants and companies that are moving back in," Trump told the Regional Reporters Association. Asked if he was changing his stance on legal immigration, Trump said "yes" because the U.S. needs more workers in a booming economy. "We need people in our country because our unemployment numbers are so low and we have massive numbers of companies coming back into our country – car companies, we have seven car companies coming back in right now and there's going to be a lot more," Trump said. "We've done really well with this, and we need people." Trump improvised the last line by saying: "I want people to come into our country in the largest numbers ever, but they have to come in legally." The comment raised eyebrows by immigration hardliners and contradicted some of his past efforts to restrict legal immigration, such as reforming the legal asylum seeking process and ending family-based or "chain" migration in favor of a merit-based system. Trump also sought to end the visa lottery system that aims attract immigrants from a diverse set of countries and he's battled in court to restrict legal visas from Muslim-majority countries.

### **Democrats embrace nation-building in Central America as answer to migrant caravans**

[Washington Times](#) [2/6/2019 7:21 AM, S.A. Miller, 527K, DC] reports that Democrats said their plan to stop migrant caravans overrunning the U.S. border is not to stiffen immigration laws here, but rather to do some nation-building in Central America. Sen. Jon Tester, a Montana Democrat on the bipartisan committee working on a border security spending deal, said the focus needs to be on making Honduras, El Salvador and Guatemala places where people want to stay. "I think you have to solve the problem there to keep them there," he said. "I think that would be the best use of money and the right thing to do." Democrats have yet to put a price tag on that plan but insist it's cheaper — and less offensive to southern neighbors — than President Trump's border wall project. The thousands of people marching in caravans to the U.S. have become a powerful symbol in the immigration and border security debate, although each side has starkly different views of the migrants.

### **Caravan migrants stalled at Texas border eye other routes**

[Reuters](#) [2/6/2019 8:28 PM, Alexandre Meneghini and Lizbeth Diaz] reports some Central American migrants seeking entry into the United States but stalled near a Texas crossing said on Wednesday they are considering moving to another part of the border, where they may have a better chance of lodging a speedy asylum claim. Mulling their next move from the dusty Mexican town of Piedras Negras, just south of the Eagle Pass crossing on the U.S. side, the latest group of around 1,700 caravan migrants want to avoid a potentially months-long wait for a chance to plead their case for asylum. Many say they are also waiting for a so-called humanitarian visa from the Mexican government that could lead to local job opportunities, but are afraid of the area's hyper-violent Zetas drug cartel that has targeted migrants in the past. U.S. President Donald Trump said on Tuesday that 3,750



additional military troops would be sent to the U.S.-Mexico border to support border agents and thwart what he described as "the tremendous onslaught" of U.S.-bound migrants. Asylum seekers have traditionally been granted the right to stay in the United States while their cases were decided by a U.S. immigration judge, but a backlog of more than 800,000 cases means the process can take years. Some 250 military personnel are being re-deployed from positions in Arizona to Eagle Pass "in response to migrant caravan activity currently approaching the Texas border," the U.S. Department of Defense announced on Wednesday. The personnel includes military police, medical personnel and engineers.

Additional reporting:

[CNN](#) [2/6/2019 12:24 PM, Zachary Cohen and Barbara Starr, 5847K]

[FOX News](#) [2/6/2019 7:03 PM, Maggie Kerkman]

[NBC News](#) [2/6/2019 11:49 AM, Julia Ainsley, 4061K]

[Newsweek](#) [2/6/2019 11:51 AM, Chantal Da Silva, NY]

[Washington Examiner](#) [2/6/2019 2:07 PM, Diana Stancy Correll, DC]

[Texas Public Radio](#) [2/6/2019 10:45 PM, Joey Palacios and Norma Martinez, 7K, TX]

[KTAR](#) [2/6/2019 1:15 PM, Staff, 29K, AZ]

### **Migrant caravan detained in old factory, across from Texas**

[U.S. News & World Report](#) [2/6/2019 3:53 PM, Staff] reports a caravan of 1,600 Central American migrants was surrounded Wednesday by Mexican authorities in an old factory a short distance from Texas, where they hoped to seek asylum even as U.S. authorities sent extra law enforcement and soldiers to stop them. President Donald Trump warned in his State of the Union speech on Tuesday of migrant caravans and accused Mexican cities of busing migrants to the border "to bring them up to our country in areas where there is little border protection." The migrants arrived Monday in Piedras Negras, Mexico, across the Rio Grande from Eagle Pass, Texas. The caravan is the first in recent months to head toward Texas instead of California. The state government organized 49 buses from the interior cities of Saltillo and Arteaga to ensure the migrants' safety, said Jose Borrego, a spokesman for the Coahuila state government. But Mexican police and soldiers are holding the caravan in the factory and not letting them stay anywhere else, in part to prevent a mass attempt by migrants to cross the Rio Grande. Only migrants who receive a humanitarian visitor visa from Mexico were to be allowed to leave the factory, Borrego said. Coahuila has long been plagued by the now-fragmented Zetas cartel as well as by colder weather. Many in the caravan ultimately want to enter the United States. But in Eagle Pass, customs officials are processing roughly 12 to 15 applications a day, according to Piedras Negras officials. U.S. Customs and Border Protection did not respond to a request to confirm that number, but customs offices across the border regularly turn asylum seekers away due to a stated lack of space.

### **Cost of border deployments could approach \$1 billion by end of fiscal year**

[Washington Post](#) [2/6/2019 7:31 PM, Paul Sonne] reports the cost of President Trump's deployment of active-duty troops and National Guard forces to the U.S. border with Mexico could approach an estimated \$1 billion by the end of the fiscal year should the missions continue apace until then, according to figures the Department of Defense has released and independent assessments. Trump said Tuesday during his State of the Union address that he had ordered a new infusion of 3,750 active-duty troops to the border to prepare for a "tremendous onslaught." On Wednesday, the Pentagon said a small contingent of troops to the border crossing at Eagle Pass, Texas, including military police, medical personnel and



engineers. According to the Pentagon, the additional active-duty forces deployed to the border will conduct mobile surveillance for Customs and Border Protection and install razor wire. The contingent brings the number of active-duty troops currently there to about 4,350, the Defense Department said. An additional 2,200 or so National Guard forces also remain there, stemming from orders Trump issued last April. The cost of the border deployment has attracted the ire of Trump's critics, who have described it as a political stunt rather than a necessary response to a national security crisis. Defenders of the president emphasize that the cost of the deployment and the border wall is small in the grand scheme of U.S. government spending, and say the situation on the border presents a crisis. Speaking at a hearing last week, Rep. Mike D. Rogers (R-Ala.) said the government needs to provide more funding for the Department of Homeland Security, which includes CBP, rather than using Department of Defense resources to back up border operations.

### **Udall, Heinrich Introduce Legislation to Prevent Separation of Immigrant Families at the Border**

[KRWG](#) [2/6/2019 3:34 PM, Staff, 2K, NM] reports U.S. Senators Tom Udall and Martin Heinrich, along with 40 other Democratic senators, introduced legislation to keep immigrant families together and prevent the Department of Homeland Security from taking children from their parents at the border. The Keep Families Together Act would prohibit the separation of children from their parents or legal guardians at or near ports of entry or within 100 miles of the border, unless they are being trafficked or abused by their parents. The legislation was developed in consultation with child welfare experts to ensure the federal government is acting in the best interest of children and is supported by the American Academy of Pediatrics, Kids In Need of Defense, Children's Law Center, Young Center for Immigrant Rights, and the Women's Refugee Commission.

### **[PA] PA Police Now Limited In Flagging Undocumented Immigrants To ICE**

[WSKG](#) [2/6/2019 8:30 AM, Kavitha Surana, PA] reports that last year, the Pennsylvania State Police had no guidelines preventing troopers from engaging in behavior that raised questions of racial profiling and unlawful arrests. That behavior is now forbidden in Pennsylvania, according to new state police regulations that went into effect last week, aimed at halting unlawful searches and detentions. If a car is stopped for a traffic violation, for example, passengers won't be questioned or asked for identification solely to verify whether they are in the country legally. The policy says that troopers may not detain or arrest foreign nationals simply for being in the country illegally. Gov. Tom Wolf called for stronger guidelines after the investigation by ProPublica and the Inquirer found that state police were acting as an informal arm of immigration enforcement. The Supreme Court has ruled that it is unconstitutional to prolong traffic stops beyond the time it takes to address the traffic violation. The policy clarifies that administrative warrants for immigration violations are not grounds for stops or detentions because they do not constitute reasonable suspicion of criminal activity. Troopers can still contact Immigration and Customs Enforcement about a foreign national, but only after an interaction is completed. The policy clears up the most pressing constitutional concerns over unlawful searches and seizures and racial profiling raised by the series. Yet the new guidelines still affirm the state police's ability to use all available tools to verify the identity of an immigrant during a traffic stop, arrest or lawful detention. Troopers will continue communication with ICE through databases and direct contact. If an undocumented immigrant is arrested for a criminal or traffic violation, ICE will still be notified. In cases in which an undocumented immigrant is pulled over for a minor traffic violation, they could still receive a visit from ICE soon after.



**[WV] Controversy over immigration bill divides committee, leads to abrupt ending of Homeland Security meeting**

[Dominion Post](#) [2/6/2019 2:35 PM, David Beard, WV] reports once again, controversy during the House Veterans Affairs and Homeland Security committee meeting ground the meeting to an abrupt halt. Last week, it was a dispute over whether to take the meeting behind closed doors to discuss the performance of former Homeland Security Director Jimmy Gianato that led Delegate Ray Hollen, R-Wirt, to call for the meeting to adjourn mid-debate. This week, it was a tug of war over an immigration bill that led Hollen to end the meeting. The bill was originating out of committee with no number, but nearly identical to HB 2067, introduced by Hollen. It aims to forbid counties and cities from enacting any laws or policies contrary to or restricting enforcement of federal immigration law, or to prevent federal law enforcement officials from gathering immigration status information. Counsel said that the bill simply allows ICE – U.S. Immigration and Customs Enforcement – to do its job without interference, should it come to West Virginia. It would prevent county or city officials from preventing police or deputies from assisting ICE, if so requested.

**[NC] Kimbrough offers more details on ICE policy**

[Winston-Salem Journal](#) [2/6/2019 8:15 PM, John Hinton, 47K, NC] reports Sheriff Bobby Kimbrough Jr. of Forsyth County emphasized Wednesday that his office will continue to work with federal law-enforcement agencies despite his plan to end a contract that allows the U.S. Immigration and Customs Enforcement to detain people suspected of being undocumented immigrants in the Forsyth County Jail. Kimbrough said that sheriff's deputies will continue to enforce the law and arrest people who are charged with criminal offenses — regardless of whether they are U.S. citizens or undocumented immigrants "because I have been sworn to uphold the law." Kimbrough initially announced the policy shift Tuesday following a rally and news conference by a group supporting Eduardo Fuentes, a Honduras native who is being held at the jail following his arrest Sunday night. Fuentes was arrested by Winston-Salem police on a charge of possession of stolen weapons, Kimbrough said. The arresting officer entered Fuentes's name into a national database, and ICE flagged Fuentes as a suspected undocumented immigrant, the sheriff said. Fuentes posted his bond, but remained in jail because ICE had issued an I-203 form to detain him, Kimbrough said.

**[NM] New Mexico governor withdraws state's National Guard troops from southern border**

[CNN](#) [2/6/2019 3:33 PM, Veronica Stracqualursi] reports New Mexico Gov. Michelle Lujan Grisham said Wednesday her decision to order the withdrawal of National Guard troops from the southern border was to avoid using the reserve military force to "militarize the border." "I'm not going to participate, nor do I think it's appropriate in any shape or fashion to use the National Guard to attempt to militarize the border where we're dealing with asylum seekers who their constitutional rights continue to be breached," the newly elected Democratic governor said Wednesday during a news conference in her state. She also argued that after meeting with National Guard and Border Patrol, "They could not make an effective case that having the National Guard presence there has assisted them in any meaningful way at dealing with any nefarious activity along the border." In a statement announcing her decision Tuesday, Lujan Grisham rejected President Donald Trump's claim that there's a national security crisis at the US southern border. The governor also ordered National Guard troops from six states – Arkansas, Kansas, Kentucky, New Hampshire, South Carolina, and Wisconsin – to "return to their home states immediately." According to



the governor's office, there are 118 total National Guard troops deployed in New Mexico.

Reported similarly: [KNAU](#) [2/6/2019 11:49 AM, Bill Chappell, NM]

**[AZ] Arizona city officials decry new razor wire on border wall**

[Washington Post](#) [2/6/2019 4:12 PM, Associated Press] reports that officials in a small Arizona border city are decrying the installation of new razor wire that now covers the entirety of a tall border wall through downtown. The city council in Nogales, which sits on the border with Nogales, Mexico, is set to consider a resolution Wednesday night condemning the use of concertina wire. It follows reports that U.S. troops installed more horizontal layers of the wire along the border fence over the weekend. The vote also comes one day after President Donald Trump made his case to the American people about the need for a border wall to protect the nation and how he has ordered 3,750 troops to prepare for what he called a "tremendous onslaught." Concertina wire has become the most visible sign of Trump's deployment amid anxieties about a Central American caravan around the time of the midterm elections. Soldiers have installed concertina at or near several official crossings at the border. In late November, U.S. Customs and Border Protection said the military had sent 36 miles (58 kilometers) of concertina for use in California, Arizona, and Texas.

**[CA] Palm Springs becomes a sanctuary city**

[Palm Springs Desert Sun](#) [2/6/2019 9:28 PM, Shane Newell, 36K, CA] reports Palm Springs has become the latest city in Southern California to become a sanctuary city. Council members voted 4-1 Wednesday evening to approve a resolution proclaiming the city a sanctuary city. "This doesn't change anything in our existing law," Mayor Pro Tem Geoff Kors said. The resolution, Kors said, makes it easier for people to understand what the city's policies are and to use the words "sanctuary city." Moon talked about the city not having a jail and that anyone taken into custody is often transferred to Indio. "I don't think it's really necessary to designate ourselves as a sanctuary city," he said. There is no legal definition of what a sanctuary city is. Sanctuary policies do not prevent federal authorities from carrying out raids or investigations. Even in New York City and San Francisco, agents from Immigration and Customs Enforcement can question and arrest people they suspect are in the country illegally. In California, many jails allow Immigration & Customs Enforcement agents to question their inmates for immigration-related violations. Palm Springs joins Cathedral City and Coachella, which have each approved proposals in favor of becoming sanctuary cities.

## **Legal News**

**Activists Want Private Prisons To Pay ICE Detainees Minimum Wage, But No Answers On How Taxes, Social Security Would Work**

[The Daily Caller](#) [2/6/2019 1:15 PM, Evie Fordham, 867K, DC] reports activists are using lawsuits to push for private prisons with Immigration and Customs Enforcement contracts to pay detainees minimum wage if they work, but the proposal is "not as easy as just paying these people minimum wage," tax expert Ryan Ellis told The Daily Caller News Foundation Tuesday. "If Congress instead forced these companies to pay the federal minimum wage, their profit margins would drop dramatically. But if privately run detention centers rely on a business model based on forced labor, perhaps they should not exist at all," anarchist



activist Victoria Law wrote in a Jan. 29 New York Times op-ed. The Southern Poverty Law Center, Washington state Attorney General Bob Ferguson and others have filed suits against companies like GEO Group and CoreCivic that have contracts with ICE to detain immigrants ahead of asylum or deportation hearings. The suits are connected to the voluntary work program that the detention centers in multiple states have implemented, according to ICE guidelines. Ferguson's office argues that GEO Group should be paying all inmates taking part in the voluntary work program at its Northwest Detention Center in Tacoma, Washington, the state minimum wage of \$11.50 an hour.

**[MD] Salvadoran woman who won civil right suit in Maryland released from ICE custody**

[Baltimore Sun](#) [2/6/2019 5:10 PM, Lillian Reed, 413K, MD] reports a Salvadoran woman who won a civil rights lawsuit against Frederick County has been released from the custody of immigration officials after being unexpectedly detained in January during a routine check-in. Roxana Orellana Santos was released Monday evening after she was detained by Immigration and Customs Enforcement, despite a judge's order for her to remain in the United States amid mediation for her 2009 civil rights suit, according to officials with CASA, a nonprofit organization that provided her with legal assistance. "She is now at home with her four children who were excited to see and hug her once again," CASA officials posted on social media Tuesday. Santos has completed the check-ins with ICE officials since she was first arrested by Frederick County sheriff's deputies in 2008. Santos later won a civil rights lawsuit against the county stemming from that arrest. Santos' attorneys filed a habeas corpus petition in U.S. District Court and were granted a restraining order against the Department of Homeland Security and ICE. ICE officials agreed to release Santos on an Order of Supervision, under which she was required to post a \$5,000 bond, her attorney Nicholas Katz said in an email.

**[MN] Developments occur in ACLU, Nobles County lawsuit**

[Worthington Daily Globe](#) [2/6/2019 7:00 AM, Alyssa Sobotka, 2K, MN] reports that the scope has broadened in a lawsuit against Nobles County and Sheriff Kent Wilkening that alleges suspected undocumented immigrants were unlawfully held within the Nobles County Jail beyond meeting their state release requirements. According to court documents, a judge approved the American Civil Liberties' Union motion for class certification late last week. As a result, the lawsuit will now include all "past and current detainees of the Nobles County Jail who were, are or will be" denied release from custody on the basis of Immigration and Customs Enforcement warrants or detainers. Norm Pentelovitch, an attorney for the plaintiffs, called this step an integral part of the litigation process that will allow the original four named plaintiffs to act as representatives of a class of people who, like them, were allegedly unconstitutionally detained by the county at ICE's request. "The relief we get, if any from the court, will apply to all members of the class," he added. In an email response, Stephanie Angolkar, defense attorney for the county, said the class certification order is "not a decision on the merits of the case."

Last week's order is the latest in the lawsuit the ACLU brought forth in August on behalf of four individuals who allegedly served their sentence, posted bond or were "dissuaded from posting bail" due to being subject to an ICE hold. In the meantime, the lawsuit has also made its way to the appellate court. In December, the county appealed a district court order prohibiting the Nobles County Jail from detaining individuals on behalf of ICE based on an ICE arrest warrant and detainer. In articulating his reason for issuing the order, Fifth Judicial



District Court Judge Gregory Anderson said "there is a substantial likelihood" that the plaintiffs will win when the case comes to trial.

**[TX] Border Patrol: Sex offender used altered birth records to smuggle daughters into U.S.**

[El Paso Times](#) [2/6/2019 2:14 PM, Aaron Martinez, 15K, TX] reports a Guatemalan man previously convicted of sexual assault, along with other criminal charges, and his two daughters were detained at an El Paso port of entry after allegedly using an altered birth certificate to cross into the U.S. A 45-year man, his 18-year-old and 9-year-old daughters attempted to cross into the U.S. on Jan. 31 at the Bridge of the Americas Port of Entry, U.S. Border Patrol officials said. The man gave agents birth certificates for his daughter with one claiming that his 18-year-old daughter was 17 years old, officials said. Agents noticed inconsistencies with the birth certificate and were skeptical of the daughter's age, officials said. After checking with the Guatemalan consulate, it was determined that the oldest daughter was actually 18 years old and not a minor. The man then admitted to officers that the birth certificate was altered to show his daughter was 17 in order to keep the family together and avoid deportation, officials said. A criminal background check was then conducted on the man, whose name was not released. The background check revealed that the man was previously convicted of sexual assault. The man remains detained on pending criminal and immigration charges, official said. The two girls will be processed as a family unit and present their immigration case to an immigration judge, officials said. "Smugglers and criminals continue efforts to exploit the immigration system by using stolen or fraudulent documents in order to avoid arrest or deportation," U.S. Border Patrol officials said in a statement.

Reported similarly: [KFOX](#) [2/6/2019 6:22 PM, David Cross, 16K, TX]

**[NE] ICE, Prosecutor Stopped Man From Seeing Counsel, Atty Says**

[Law360](#) [2/6/2019 3:24 PM, Suzanne Monyak] reports a federal prosecutor blocked a Nebraska man charged with conspiring to harbor unauthorized immigrants from conferring with his retained counsel before ICE interrogated him, the man's attorney said in a recent federal court filing. The motion, filed on Friday, seeks to suppress any statements made under interrogation by Eric Beringer, a farm supervisor indicted for the alleged conspiracy alongside more than a dozen others. Beringer's attorney argued that ICE agents and a prosecutor with the U.S. attorney's office in Nebraska thwarted access to his client, claiming the agents coerced Beringer into waiving his right to counsel while holding him at a "makeshift detention facility." Beringer, a U.S. citizen, had been indicted in Nebraska federal court a few weeks before the raid alongside more than a dozen others for conspiracy to harbor and conceal unauthorized immigrants by illegally employing, transporting and housing them. Joe Jeanette, law enforcement coordinator at the U.S. Attorney's Office for the District of Nebraska, told Law360 on Wednesday that there are "a number of factual inaccuracies" in the motion but declined to go into detail. He said the office would be filing a written response in the next few days. A spokesperson for ICE deferred comment to the U.S. attorney's office, and Beringer's attorney did not immediately return a request for comment Wednesday.



## Enforcement News

### **Immigration and Customs Enforcement Agency Doesn't Curb Abuses at Private Prisons**

[Legal Reader](#) [2/6/2019 1:00 PM, Ryan J. Farrick] reports that a newly-released report suggests that the Immigration and Customs Enforcement agency isn't doing enough to enforce standards in jails and detention centers run by contractors. Public entities and private corporations charged with running immigration jails have violated detentions standards thousands of times in recent years. Allegations range from reports of simple misconduct to sexual assault — but there've scarcely been consequences, with the Washington Post reporting that ICE only levied fines twice. In response to the report, the Department of Homeland Security's inspector general demanded that I.C.E. improve facility oversight. Federal contractors detain and manage nearly half of the 45,000 immigrants held in U.S. detention centers every day. From October 1st of 2015 through June, ICE recorded 14,003 violations at 106 facilities nationwide. In response, federal contractors were fined \$3.9 million — a figure the Post says is 0.13% of the \$3 billion paid out to privately-owned jails. One facility was fined after "a pattern of repeat deficiencies over a 3-year period, primarily related to health care and mental health standards." Another fine, adds the Post, was levied after the Department of Labor determined a facility wasn't properly compensating its employees. The list of abuses and violations detailed in the report and recounted by the Washington Post proceeds similarly: the inspector general found that, in some cases, immigration officials approved waivers allowing detention facilities to dodge violations or avoid other forms of punishment. For instance, one jail was granted a waiver allowing it to use tear gas as a replace for pepper spray, even though tear gas is considerably more toxic than its more containable counterpart. "Instead of holding facilities accountable through financial penalties," the report claims, "ICE issued waivers to facilities with deficient conditions, seeking to exempt them from complying with certain standards." ICE contends that, though it'll make changes, its policies are adequate for patrolling and controlling abuses in contractor-operated facilities. "ICE has a strong record of holding detention facilities accountable when deficiencies are identified," agency spokesman Matthew Bourke said in a statement. Bourke contended that the waivers highlighted in the inspector general's report are a "rarely used mechanism."

### **[VA] MS-13 gang member sentenced to prison for 25 years for role in brutal slaying**

[Charlottesville Daily Progress](#) [2/6/2019 3:56 PM, Tyler Hammel, 30K, VA] reports a 20-year-old El Salvadoran national was sentenced to 25 years in prison on Wednesday for his part in the brutal machete slaying of a man in Albemarle County in July 2017. Eduardo Zelaya was ordered by Albemarle County Circuit Court Judge Humes J. Franklin to serve 20 years of a 40-year sentence for murder by lynching and 5 years for gang participation. The sentences will be served one after the other, for a total of 25 years in prison. Zelaya, who is an undocumented immigrant, will be eligible for deportation upon release from prison and could serve the remaining years of his sentence, should he return the United States illegally. Zelaya is one of four members of the MS-13 gang who pleaded guilty to killing Marvin Joel Rivera Guevara, 24, whose badly mutilated body was found in Moore's Creek near the Woolen Mills neighborhood on July 4, 2017.

### **[NC] ICE agents arrest at least a dozen people in Charlotte raids, according to local group**



[WBTV News](#) [2/6/2019 6:57 PM, Mark Davenport, 43K, NC] reports that Comunidad Colectiva, a grassroots community organization focused on advocating for and protecting the human rights of immigrants in Charlotte, released a statement this morning claiming at least a dozen people have been arrested as a part of targeted raids by ICE. "This morning more than a dozen immigrant neighbors were arrested in the streets of Charlotte by I.C.E.," claims the statement from the organization. "These arrests come after a workplace raid in Sanford, N.C. and threats by I.C.E. to target immigrants following the end of the 287g program in several counties, including Mecklenburg." Stefania Arteaga, a spokesperson for Comunidad Colectiva, said they believe the amount of people arrested is actually around 20-30 people but they are staying conservative with numbers because community members are still "trying to reach their loved ones." Bryan D. Cox, spokesman for U.S. Immigration and Customs Enforcement, replied to a request for information on the arrests in Charlotte this morning by stating, "ICE conducts targeted immigration arrests everyday as part of its ongoing mission to enforce federal immigration law. ICE has multiple offices in North Carolina, to include Charlotte, and the presence of ICE officers locally is not new." Immigration and Customs Enforcement told WBTV they do not conduct any type of random or indiscriminate enforcement; "the agency focuses first and foremost on criminal offenders and other public safety threats. The agency's arrest stats clearly reflect this reality."

Cox also passed along the local field office arrest statistics in 2018: Atlanta field office ICE administrative arrest stats: (Georgia and the Carolinas) FY18: 15,189 arrests, 9,490 convicted criminal – 62 percent, (additional 4,464 with pending criminal charges – 29 percent) = 91 percent of arrests pending criminal charges or prior conviction.

Reported similarly:

[Durham Herald-Sun](#) [2/6/2019 2:00 PM, Simone Jasper and Thomasi McDonald, 11K, NC]

[WFAE](#) [2/6/2019 3:16 PM, Nick de la Canal, 11K, NC]

[WSOC-TV](#) [2/6/2019 3:32 PM, Staff, NC]

[ABC 11](#) [2/6/2019 1:57 PM, Jonah Kaplan, 4K, NC]

[WTVD](#) [2/6/2019 11:04 AM, Michael Perchick, 4K, NC]

[WRAL](#) [2/6/2019 11:53 AM, Gilbert Baez, NC]

[WRAL](#) [2/6/2019 9:45 PM, Staff, 388K, NC]

[Charlotte Patch](#) [2/6/2019 2:09 PM, Kimberly Johnson, NC]

### **[NC] North Carolina county jail to stop housing ICE detainees**

[WRAL](#) [2/6/2019 8:02 AM, Staff, 388K, NC] reports that a North Carolina county's jail will stop accepting U.S. Immigration and Customs Enforcement detainees when its contract with the federal government ends. The Winston-Salem Journal reports Forsyth County Sheriff Bobby Kimbrough Jr. announced Tuesday that the county jail won't allow ICE to house detainees for civil violations of federal immigration law, saying the sheriff's office "never will be an extension" of immigration services. The contract with the U.S. Marshals Service that allows ICE to use the jail ends April 30. Kimbrough says U.S. Marshals can continue to keep their fugitives in the jail. Kimbrough's decision follows similar moves in North Carolina, as sheriffs re-evaluate their relationship with ICE. He made his announcement following a rally by a group in support of a man from Honduras who was arrested Monday.

Reported similarly: [Virginian-Pilot](#) [2/6/2019 8:46 AM, Staff, VA]

### **[SC] Warrentonville man pleads guilty to trespassing without permission**



[Aiken Standard](#) [2/6/2019 5:44 PM, Tripp Girardeau, 6K, SC] reports a Warrenton man pleaded guilty Wednesday to entering his estranged wife's residence without her permission in September 2018. Carlos Elias Binzha, 36, of the 100 block of Eden Drive, pleaded guilty to trespassing Wednesday, according to court records. Solicitors allowed Binzha to plead guilty to the lesser charge of trespassing from his original charge of second-degree burglary. He is still being held at the Aiken County detention center on a hold for the U.S. Immigration and Customs Enforcement Agency, or ICE. ICE agents will soon pick him up from Aiken County jail and Binzha could possibly get deported, solicitors said.

### **[GA] After Rapping About Family Separations at the U.S.-Mexico Border, 21 Savage Detained by ICE**

[Fortune](#) [2/6/2019 5:53 PM, Brittany Shoot, 1015K] reports United States Immigration and Customs Enforcement (ICE) reportedly detained rapper 21 Savage on Sunday, according to The Atlanta Journal-Constitution. 21 Savage, whose name is Sha Yaa Bin Abraham-Joseph, was born in London. The 26-year-old rapper's lawyer notes that Abraham-Joseph's family overstayed a July 2005 visa. The rapper since applied for a U visa. Abraham-Joseph is the father of three children born in the U.S. and is known in his longtime home of Atlanta for supporting local community projects, such as an annual school supply giveaway at the beginning of the school year. But the timing of the arrest strikes many as curious. In late January, 21 Savage appeared on The Tonight Show Starring Jimmy Fallon and performed an alternate version of "A Lot," the opening track on his 2018 album I Am > I Was. The new version of the lyrics included the lines, "Been through some things so I can't imagine my kids stuck at the border / Flint still need water / People was innocent, couldn't get lawyers." On Tuesday, an ICE spokesperson told Reuters that Abraham-Joseph faces deportation proceedings in a federal immigration court. ICE has said that Abraham-Joseph was detained due to a 2014 felony drug case.

Additional reporting:

[New York Times](#) [2/6/2019 8:28 PM, Jon Caramanica, 20737K]

[BuzzFeed](#) [2/6/2019 3:13 PM, Dami Obaro, 8149K]

[Atlantic Monthly](#) [2/6/2019 3:30 PM, Hannah Giorgis, 2839K]

[Salon](#) [2/6/2019 9:30 PM, Rachel Leah, 758K]

[WBTV](#) [2/6/2019 3:43 PM, Staff, 43K, NC]

### **[MI] Students arrested at ICE's fake university are facing more than deportation**

[VICE](#) [2/6/2019 12:00 PM, Belle Cushing] reports Immigration and Customs Enforcement agents arrested hundreds of foreign students last week, all enrolled at a fake school called the University of Farmington. ICE set up the operation in 2015 as an elaborate sting to target so-called "pay-to-stay" immigration schemes. Facing certain deportation, many of those students left the country. Others remain in ICE detention or were released with a scheduled date to appear before an immigration judge. But because of a quiet change the Trump administration made to immigration policy, anyone who didn't leave the U.S. before Tuesday may not be able to come back to the country for years. An ICE spokesperson declined to comment about the Farmington sting because the investigation is still ongoing.

[VOA](#) [2/6/2019 6:32 PM, Victoria Macchi, 1183K, DC] reports the number of foreign students detained in an alleged visa fraud scheme that involved a fake U.S. university has climbed to 146. A U.S. Immigration and Customs Enforcement official told VOA on Wednesday that the number had risen from 130 at the end of last week, as federal agents detained additional suspects in a nationwide search. The U.S. government contends that



those arrested were taking advantage of a university that offered no classes and had no faculty, in order to obtain a type of work authorization available only to students. Of the eight men facing criminal charges for allegedly recruiting students to the fake university, five made their first appearance in a Michigan court on Monday, according to court documents. John Brusstar, an attorney representing one of the accused, Phanideep Karnati criticized the federal agents who created the sting operation.

Additional reporting: [The Daily Caller](#) [2/6/2019 7:37 PM, Jason Hopkins, 867K, DC]

**[CO] The ICE detention center in Aurora added 432 beds last month. Those beds are expected to be filled almost immediately.**

[Denver Post](#) [2/6/2019 6:00 AM, Elise Schmelzer, 380K, CO] reports that the private company that operates the detention center for immigrants in Aurora added 432 new beds to the facility last month – and the majority of those spaces are expected to be filled by the end of the week. The detention center, operated by private prison company The GEO Group under contract with federal immigration enforcement, opened an annex to the current facility last month after it was remodeled, according to a statement by Jeffrey Lynch, the director of Denver's U.S Immigration and Customs Enforcement field office. "As of Jan. 31, there are 256 total detainees housed in this new annex with 128 new detainees expected to arrive within the next week," Lynch said. The addition of the beds follows a 20 percent uptick in the number of ICE arrests in the Denver region, which includes Colorado and Wyoming, as well as across the U.S. The agency previously has attributed the rise in arrests to a change in policy by President Donald Trump's administration that widened ICE's priorities to include all immigrants in the country illegally. A spokeswoman for ICE declined to answer a question about the number of beds currently available and referred a reporter to The GEO Group.

Reported similarly: [U.S. News & World Report](#) [2/6/2019 10:41 AM, Associated Press]

**[NM] Migrants seek asylum at churches in New Mexico**

[KOAT](#) [2/6/2019 8:58 PM, Marissa Armas, 20K, NM] reports at the El Calvario Methodist Church in Las Cruces sits a place of sanctuary. "There are a lot of blessings here. They give you clothing and food," said Ana Maritza, a migrant from Honduras. Gladys Guido, 29, also arrived at El Calvario after being released from Immigration and Customs Enforcement. She came to the United States seeking asylum with her 7-year-old daughter. A better life in the U.S. has long been a reason to immigrate, but now fear is a big reason too. "There's a lot of crime, a lot of gangs, a lot of needs, and when you have problems in your country, you can't return," said Maritza. El Calvario is one of several churches in New Mexico that give migrants refuge when they are released from ICE. When ICE releases them, many are fitted with ankle monitors until their immigration hearing.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Friday, Feb. 8, 2019**

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## Executive Office for Immigration Review

### As U.S. Starts Returning Asylum-Seekers to Mexico, Questions Remain

[KQED](#) [2/7/2019 1:45 PM, Farida Jhabvala Romero, 160K, CA] reports even as the Trump administration ramps up a new policy forcing asylum-seekers to return to Mexico while their cases move through U.S. courts, immigration judges and attorneys say they've received scant information about how the dramatic change will be implemented. At least a dozen asylum-seekers had been returned to Tijuana as of late last week under the policy, known informally as "Remain in Mexico." Immigration lawyers question whether the administration has a reliable system to notify migrants – who are often in temporary shelters and lack a fixed address – of their court dates. And the president of the National Association of Immigration Judges, Ashley Tabaddor, said ensuring asylum-seekers in Mexico are informed of hearings is a "potential issue." Tabaddor said she received no advance notice of the new system from the Department of Justice, which is in charge of immigration courts. Instead, Tabaddor, an immigration judge in Los Angeles, one of the nation's busiest courts, learned about the changes from reading the news. "It would have been nice if the department had told us judges in a formal way what's happening so that at least we are aware of it before it becomes public," she said. The policy, which the administration has dubbed Migrant Protection Protocols or MPP, is so far only in place at the San Ysidro port of entry, south of San Diego. Officials with the Department of Homeland Security say before asylum-seekers are returned to Mexico they are given an "individualized notice" with a court date, so they know when to return to the border crossing. Immigration and Customs Enforcement will then transport them to immigration court in San Diego.

In December, the immigration court system, known as the Executive Office for Immigration Review, made its computerized scheduling system accessible to DHS officials, including U.S. Customs and Border Protection agents, allowing them to set court dates for people being sent back to Mexico. Previously, immigration agents did not have such access to court schedules. So they gave migrants a Notice to Appear, which either included a "placeholder" date or simply said that the court date was "to be set." Individuals would then receive a second notice in the mail with a legitimate court date. During the 35-day government shutdown, an estimated 86,000 hearings were canceled as most immigration judges were furloughed, according to researchers at Syracuse University. The shutdown also led to another problem for thousands of immigrants who showed up at courts around the country, bearing notices to appear for hearings on Jan. 31. It turned out that was a "placeholder" date given to them by ICE, but the hearings had not actually been scheduled because most of the court staff were furloughed. Tabaddor, the immigration judge, said asylum-seekers returned to Mexico must be alerted about when to attend hearings. "With every case the issue of notice is always paramount," said Tabaddor. DHS Secretary Kirstjen Nielsen said the new protocol aims to reduce illegal migration by removing what she called a "key incentive," because asylum-seekers would not be allowed to live in the U.S. while their case is decided. Other DHS officials said in press call last week that they are focusing on individuals from Central America for the program. Research shows it's almost impossible to win an asylum case without legal representation. An official with the Executive Office of Immigration Review said asylum-seekers affected by the MPP can expect a fair process in the courts. "As we do with all cases, EOIR will process and adjudicate cases filed under the MPP in accordance with applicable law and consistent with



due process,” said Kenneth Gardner, with the agency’s regional office in San Francisco, in a statement. [Editorial note: consult source link for audio]

### **Rocky restart after government shutdown: Many workers still haven't received back pay**

[Washington Post](#) [2/7/2019 6:11 PM, Kimberly Kindy, Lisa Rein and Joel Achenbach, 9763K] reports meat inspector Alfreda Dennis-Bowyer was looking forward to getting a paycheck – finally. She’s a U.S. Agriculture Department employee in Delaware with four decades of experience, and during the 35-day partial government shutdown she stayed on the job, working overtime, even though she wasn’t getting paid. When the shutdown ended, she expected to get all her back pay in a lump sum – about \$9,000. Because of glitches with the USDA payroll system, she didn’t get her full back pay until Wednesday, nearly two weeks after the shutdown ended. About 120 inspectors are still waiting. They are among thousands of employees who have experienced delays or anomalies with paychecks at the federal agencies that went dark. The paycheck situation is just one of many challenges and headaches for federal agencies and hundreds of thousands of employees attempting to restart the government. On a good day, with the government functioning normally, immigration judges face a daunting backlog of cases, and that became all the more challenging when the courts reopened on Monday, Jan. 28, said Ashley Tabaddor, a Los Angeles-based judge and the president of the National Association of Immigration Judges. She said she has more than 2,000 cases on her docket and no opening on her calendar until late 2020. She returned to work to find boxes of court filings filling a reception area in the office building that houses the immigration court. She said Justice Department officials insisted that everyone go back to work and conduct “business as usual” even though Tabaddor said it would have made more sense to spend a couple of days ramping up, going through mail and newly filed court papers, and getting organized.

### **[MA] For immigrants in Boston's court, the shutdown will reverberate for years**

[Boston Globe](#) [2/8/2019 4:00 AM, Maria Cramer, MA] reports the Salvadoran mother had waited six years for the January hearing. She had entered the country illegally, but had a strong case for a reprieve from deportation, her lawyer believed. A gas station manager living in Lynn, she could prove she had lived in the United States for at least a decade, had not broken any other laws, and that her deportation would present an unusual hardship to her teenage son, an American citizen who lived with her and her husband in a house she helped pay for. If she were removed from the country, her family would likely become homeless, her lawyer, Javier Pico, intended to argue. But she never got the chance to make her case — because of the partial government shutdown. An estimated 86,000 immigrants had their hearings canceled as a result of the 35-day shutdown that began on Dec. 22, according to the Transactional Records Access Clearinghouse, a research group at Syracuse University that tracks federal immigration figures. Massachusetts, which already had a backlog of more than 28,000 cases, was among the states most acutely affected by the shutdown. Nearly 4,000 hearings had been scheduled in Massachusetts’ immigration court during the shutdown, according to the research group. The shutdown brought the immigration courts to a standstill and deepened an already enormous backlog of cases. Some immigrants had waited for years, and now may have to wait years more. The government reopened in late January, but could close again in mid-February if President Trump and Congress don’t come to an agreement.

Immigration lawyers and judges alike say they are fearful that a second shutdown would



paralyze an already overwhelmed system. Not only were strong immigration cases pushed back indefinitely, but cases of unauthorized immigrants who should be deported were also delayed, said Amiena Khan, a New York immigration judge and executive vice president of the National Association of Immigration Judges, the union that represents the judges. "We had no business shutting down," said Khan, who spoke in her role as a union leader. "When you shut down the courts to focus on border security, the irony of that and the actual negative impact of that action on the courts themselves cannot be underscored." After the shutdown, court staff returned from their furloughs to find stacks of unopened mail and new cases and motions on their desks. Lawyers are now bringing extra copies of their cases for judges and prosecutors, in case clerks have been too harried to hand out their own. Attorneys with especially vulnerable clients are asking judges if they can switch hearing dates scheduled for clients with less urgent cases, and are taking to Facebook in search of lawyers who might be willing to swap hearing dates. Unlike the federal judiciary, which is independent and was able to remain open throughout the shutdown, immigration courts fall under the Executive Office for Immigration Review in the Department of Justice, an executive office which was largely closed during the shutdown. John Martin, an office spokesman, said there were 800,000 pending immigration cases nationally as of December, a 50 percent increase since the 2016 fiscal year. The jump is the result of more asylum applications and new cases filed by the Department of Homeland Security, which prosecutes immigration cases, Martin said. "New case filings remain at historic highs," Martin said in an e-mail. "We are aggressively working to strengthen and improve the functioning of our immigration court system." Martin said the agency has 409 immigration judges nationwide and is planning to add 50 more in the first half of 2019. More support staff is being hired and courts are increasingly relying on video conferencing. "These efforts are showing results," said Martin. The number of closed cases rose 20 percent in fiscal year 2018, he said.

## **Policy and Legislative News**

**Congressional negotiators narrow differences to border barriers, detention beds**  
[Washington Post](#) [2/7/2019 7:14 PM, Erica Werner and Damian Paletta] reports lawmakers negotiating to end the border wall impasse and prevent another government shutdown narrowed their differences Thursday to two key sticking points — the wall itself and the number of beds the government would fund to detain unauthorized migrants. The two issues moved in tandem, with Democrats offering more money for border barriers in exchange for fewer detention beds. Democrats are trying to limit the Trump administration's ability to detain border crossers, preferring alternatives such as ankle bracelets. Republican negotiators are in favor of both more barrier funding and expanded detention centers. It's not yet clear what the deal will contain as far as physical barriers at the border, and Trump has been inconsistent in describing what type of structure would qualify as a wall. Negotiators hope to finalize a deal over the next several days, in time to unveil it officially by Monday and ensure House and Senate passage by the Feb. 15 deadline when government funding will run out. A lapse in funding would precipitate another shutdown, three weeks after the last one ended on its 35th day.

In a sign that lawmakers were closing in on a compromise that could include tough trade-offs for both sides, Rep. Lucille Roybal-Allard (D-Calif.), a key negotiator, told reporters Thursday that it was possible a sizable number of Democrats would be unable to support the final product. Roybal-Allard said that agencies like U.S. Immigration and Customs



Enforcement, which some on the left want to eliminate, serve a legitimate purpose — and that demands from some liberals for no money at all for border barriers would not be met. "It is unrealistic," Roybal-Allard said. "If the Republicans and the White House are saying they need barriers, wall, whatever you want to call it, and that is an absolute objective, and we're saying we want some other things — like in anything else, you know, it's a trade-off. So, that's all I can tell you. It's a trade-off. We're negotiating." For Democrats, a key objective in the talks is reducing the funding for ICE detention beds, which would limit the agency's ability to aggressively detain unauthorized immigrants, a practice that has angered the party. Current funding levels allow for 40,520 detention beds; Democrats are trying to limit that figure to 35,520 for the remainder of the 2019 budget year, while also increasing funding for detention alternatives. These involve programs that monitor immigrants in various ways to ensure they appear for court hearings, without requiring their detention.

Additional reporting:

[Washington Post](#) [2/7/2019 7:33 PM, Editorial Board, 9763K]

[Washington Post](#) [2/7/2019 4:46 PM, Colby Itkowitz]

[Washington Post](#) [2/7/2019 8:24 AM, Dick Durbin, 9763K]

[Wall Street Journal](#) [2/7/2019 3:08 PM, Natalie Andrews]

[Politico](#) [2/7/2019 6:09 PM, Eliana Johnson, Burgess Everett, and Gabby Orr]

[Politico](#) [2/7/2019 3:40 PM, Burgess Everett, Sarah Ferris and Heather Caygle]

[CNN](#) [2/7/2019 3:55 PM, Phil Mattingly, 5847K]

[Reuters](#) [2/7/2019 3:18 PM, Richard Cowan]

[Reuters](#) [2/7/2019 12:01 PM, Staff]

[CNBC](#) [2/7/2019 4:29 PM, Jacob Pramuk]

### **Trump's 'National Emergency' Would Please His Base But Put GOP Senators On The Spot**

[Huffington Post](#) [2/7/2019 5:08 PM, S.V. Date, Arthur Delaney, and Igor Bobic] reports Trump has been threatening for months to declare a "national emergency" and divert money from other programs to build hundreds of miles of wall along the Mexican border if Congress does not appropriate \$5.7 billion for the project. Now, many Trump allies say he has no choice if Congress again refuses to give him what he wants in the Department of Homeland Security spending bill currently under negotiation by a House-Senate conference committee. Trump and his White House argue that the situation at the southern border is a national security crisis and clearly constitutes an "emergency" that a president has the power to act on unilaterally. Yet that argument may be undone by Trump's own words and actions about the necessity for the wall, which have waxed and waned with the politics of the moment. Migrant caravans, for example, have existed for years, as refugees escaping violence in their home countries. But Trump only started warning about them as a threat to U.S. citizens in April 2018, with midterm elections on the horizon, claiming that they were filled with "gang members" and "very bad people." Trump critics also point to his tendency to play up violent crimes committed by illegal immigrants, even though illegal immigrants are less likely to commit crimes than native-born Americans.

### **ICE, shut out of border talks, warns Democrats' plans would free thousands of criminals**

[Washington Times](#) [2/7/2019 2:39 PM, Stephen Dinan and David Sherfinski, 527K, DC] reports a briefer from U.S. Immigration and Customs Enforcement stood outside the closed-door meeting Wednesday while negotiators working on a homeland-security spending deal



heard from border experts, who made their pitch for a border wall. The ICE briefer never made it in the room, an administration official said. If he had been allowed to speak, he would have told them that the limits they're pondering to immigrant detention, proposed by Democrats, would lead to 30,000 people being released back onto the streets, including thousands of migrants with criminal records. Even Senate Republicans' ante would mean cuts to ICE's ability to hold all the illegal immigrants the agency says need to be detained if the government is going to begin to make a dent in the illegal-immigration problem. "ICE was disappointed not to be able to address the conference committee directly," the administration source told The Washington Times. Left outside the room, ICE has instead produced a briefing document for the negotiators. The document defends the president's call for 52,000 detention beds and says both Democrats plan — cutting ICE to about 35,520 beds — and even Senate Republicans' ante of about 40,520 beds would mean dangerous migrants would have to be set free. "Up to 30,000 releases of criminals, illegal aliens with criminal charges and recent border crossers" would not be held, ICE said. In some cases ICE would even be forced to break the law to release migrants deemed subject to "mandatory detention" by Congress, the briefing says.

### **Pentagon to send 3,750 troops to Mexico border**

[Washington Post](#) [2/7/2019 3:14 PM, Staff] reports that the Pentagon announced Feb. 3 it will deploy 3,750 additional troops to the U.S.-Mexico border to support Customs and Border Protection agents for three months, raising the total number to more than 4,000. [Editorial note: consult source link for video]

[Daily Mail](#) [2/7/2019 1:00 PM, Stephanie Haney, UK] reports the Pentagon has re-deployed 250 military personnel from positions in Arizona and other states to the border town of Eagle Pass, Texas. The troops have been moved to the town due to a migrant caravan camped south of the border, U.S. Department of Defense spokesperson Bill Speaks said Wednesday. The caravan is made up of about 1,700 asylum seekers, who are now stalled in the Mexican border town of Piedras Negras, just south of Eagle Pass. Hundreds of migrants from the first caravan remain stuck in the Mexican border city of Tijuana, many waiting their turn to legally enter and formally request asylum. Continued requests for support at the border from Homeland Security Secretary Kirstjen Nielsen have been a source of tension among officials at the Department of Defense headquarters in Arlington County, Virginia. Nielsen said on Tuesday that the Department of Homeland Security will 'take all steps to ensure the safety and security of law enforcement personnel' at the border crossing in Eagle Pass. To that end, she asked on Monday for reinforcement for the area from Customs and Border Protection.

### **Texas law enforcement officers line the banks of the Rio Grande to wait for migrant caravan**

[CNN](#) [2/8/2019 2:12 AM, Martin Savidge] reports Eagle Pass, Texas, has turned into an immigration showdown involving hundreds of law enforcement officers and a migrant caravan. The migrants, about 1,800 of them, are being housed by the Mexican government across the Rio Grande in Piedras Negras. The Central American immigrants want to come to the United States but US authorities are telling them to stay in Mexico while they wait through the process of seeking asylum. In preparation for the migrants' arrivals, the Republican governor of Texas, Greg Abbott, sent 500 officers from the department of public safety to Eagle Pass, according to Mayor Ramsey English Cantu. A CNN crew there Thursday night saw the Department of Public Safety along with Border Patrol vehicles



parked near the banks of the river with their emergency lights on. "As part of our border security plan, we keep DPS on the border with boats & planes. They work with local & federal authorities to enforce the law," Abbott tweeted. The Department of Public Safety declined to comment, saying it does not discuss matters related to operational security. "That said, DPS continues to provide direct support to our local, state and federal partners, including the US Border Patrol, to enhance security along the border and to combat drug and human smuggling into Texas and the nation," it said in a statement.

### **"If the Police Aren't Safe Here, What About Us?" Asylum Seekers Fear "Remain in Mexico" Policy**

[Texas Monthly](#) [2/7/2019 6:43 PM, Robert Moore, 74K, TX] reports on Sunday night, hundreds of families waiting to seek asylum in the United States were jolted by the sound of gunfire near Casa del Migrante, a shelter housing them in the Mexican border city of Ciudad Juárez. "Last night we heard a bunch of automatic fire and they said they attacked a police station here. If the police aren't safe here, then what about us?" a Honduran man staying at the shelter asked Texas Monthly this week. The gunfire the migrants heard on Sunday appears to be the latest in a series of organized crime attacking Juárez police officers that led the U.S. consulate to issue a security alert warning people to stay away from police stations. The Trump administration says it will soon begin forcing asylum seekers from Central America and elsewhere to stay in Juárez and other Mexican border cities – many of them besieged for years by drug-driven violence – while their cases are decided by U.S. immigration courts. It is the latest example of how the Trump administration has used El Paso, which Trump intends to visit on Monday, as an early launching point for immigration policy.

The Department of Homeland Security formally implemented what it calls "Migrant Protection Protocols" last month at the San Diego-Tijuana border. The program has focused on a handful of single adults who were returned to Mexico after having their initial asylum claims processed at a U.S. port of entry. DHS officials last week said they planned to expand the practice to families and begin implementing it at other border sites, beginning with the El Paso-Juárez border, the Washington Post reported. Longstanding U.S. policy has allowed asylum seekers to legally live in the United States while immigration courts decided their claims, a process that often takes years because of a backlog of more than 800,000 cases. If fully enforced, the new policy could result in tens of thousands of migrants waiting in Mexican border cities for their cases to be heard in U.S. courts. Since the latest surge of Central American migrant families began in October, Immigration and Customs Enforcement has released hundreds of asylum seekers per day in the Rio Grande Valley and El Paso after they showed they had a credible fear of persecution if returned to their home country.

Additional reporting:

[Newsy](#) [2/7/2019 1:00 PM, Briana Koeneman]

[San Diego Union-Tribune](#) [2/7/2019 6:30 PM, David J. Bier, 214K, CA]

### **Official who oversaw migrant kids: Separation causes trauma**

[Washington Post](#) [2/7/2019 2:45 PM, Colleen Long] reports the Health and Human Services official responsible for helping to reunite families separated by the Trump administration said Thursday he had warned colleagues that separating children from their parents would cause lasting, serious psychological trauma. Commander Jonathan White of the U.S. Public



Health Service testified before a House subcommittee looking into the "zero-tolerance policy" last April that resulted in the separation of more than 2,700 children. "There is no evidence that HHS leaders ever tried to stop this abhorrent policy," said subcommittee leader Diana DeGette, a Colorado Democrat. "As the agency dedicated to the health and welfare of children, we need to know why." White said he attended briefings on the possibility of separating children in 2017, but was told there was no policy in place. He said he learned of the zero tolerance policy from a news conference given by then-Attorney General Jeff Sessions. White said he was not aware that anyone the U.S. Department of Health and Human Services knew the policy was coming. He said neither he nor anyone he worked with "would ever have supported such a policy." A federal judge ruled about a week later that the children had to be reunified with their parents. But there was no system in place to connect children to their parents, who were being held in Immigration and Customs Enforcement custody. Attorney Lee Gelernt from the American Civil Liberties Union, which filed the lawsuit that challenged the separations, said the policy was "the worst thing I've seen in my 25 years" of doing immigration and civil liberties work.

[Law360](#) [2/7/2019 5:44 PM, Suzanne Monyak] reports the U.S. Department of Homeland Security is continuing to separate children from their families at the southwestern border at an elevated rate — even after President Donald Trump issued an executive order purporting to stop the separation policy, an official at a government watchdog agency told lawmakers at a hearing on Thursday. Ann Maxwell, an official at the U.S. Department of Health and Human Services' Office of Inspector General, testified at a House oversight hearing that the rate of children referred to HHS who had been separated since June — when a federal judge issued a preliminary injunction ordering family reunification — is at "about twice the level" than it was in late 2016 at the end of former President Barack Obama's administration. Data on the HHS OIG's website indicate that the proportion of separated children increased each month between July and November last year. The number of separated children being referred to HHS, the federal agency tasked with the care of immigrant minors, has gone down from the uptick the agency saw in the summer of 2017, she said. But DHS has provided the agency with only "limited information" on the reasons for these ongoing separations, which under current regulations should only happen for the safety of the child, according to Maxwell.

Additional reporting:

[The Hill](#) [2/7/2019 6:45 PM, Rafael Bernal, 3038K]

[Politico](#) [2/7/2019 1:33 PM, Dan Diamond]

[Bloomberg Law](#) [2/7/2019 12:31 AM, Shira Stein and Michaela Ross, 13K]

[CNN](#) [2/7/2019 12:15 PM, Priscilla Alvarez and Geneva Sands]

[ABC News](#) [2/7/2019 3:15 PM, Anne Flaherty, 2413K]

[USA Today](#) [2/7/2019 3:01 PM, Alan Gomez, 6053K]

[UPI](#) [2/7/2019 5:44 PM, Patrick Timmons, 303K]

[Roll Call](#) [2/7/2019 4:58 PM, Camila DeChalus, 90K]

[Government Executive](#) [2/7/2019 5:40 PM, Eric Katz, 47K]

[The Daily Caller](#) [2/7/2019 2:54 PM, Jason Hopkins, 867K, DC]

### **Nearly 14,000 unaccompanied minors referred to HHS so far this year**

[Washington Examiner](#) [2/7/2019 2:40 PM, Anna Giaritelli, DC] reports that almost 14,000 children who arrived at the southern border and were taken into custody have been transferred into the care of the Department of Health and Human Services since the start of the fiscal year, according to an HHS official. "Thus far, this fiscal year, we've received just



under 14,000 referrals," Commander Jonathan White, the U.S. Public Health Service Commissioned Corps for HHS, testified Thursday before the Subcommittee on Oversight and Investigations of the House Energy and Commerce Committee. The fiscal year starts Oct. 1 White did not specify if those minors were people who arrived at the border alone or if it included some children who were separated from a parent while in Customs and Border Protection or Immigration and Customs Enforcement custody. CBP data from fiscal 2019 shows a total 15,013 minors arrived by themselves between October and December. White didn't clarify if the nearly 14,000 children referred to HHS is the total from October through December, or October through January. HHS has seen between 40,000 and 60,000 children referred to them annually in the last few years. Last year, 49,100 children were moved from DHS agencies to HHS, which works to find a sponsor or family member to keep them.

### **Alexandria Ocasio-Cortez's wipes away tears at protest to defund U.S. border agency: 'They don't deserve a dime'**

[Yahoo! News](#) [2/7/2019 3:58 PM, Andrew Buncombe, 216426K] reports Alexandria Ocasio-Cortez was seen wiping tears from her face after using the death of a seven-year-old migrant child to demand an end to funding for the nation's border agency. At the event on Capitol Hill in Washington D.C., the New York congresswoman said US Immigration and Customs Enforcement did "Not deserve a dime", until it showed it cared about human rights. "Not only will we not agree to fund [ICE], but we are here to say that an agency like ICE, which repeatedly and systematically violates human rights, does not deserve a dime," she said.

Reported similarly:

[Breitbart](#) [2/7/2019 3:11 PM, Kyle Morris, 2015K]

[National Review](#) [2/7/2019 3:50 PM, Jack Crowe, 433K]

### **Progressives say Congress must reject funding for more ICE agents**

[The Hill](#) [2/7/2019 12:27 PM, Rafael Bernal, 3038K] reports four rising progressive stars on Thursday spoke out against Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), calling on Democrats to vote against any measure that would increase immigration enforcement funding. Democratic Reps. Rashida Tlaib (Mich.), Alexandria Ocasio-Cortez (N.Y.), Ayanna Pressley (Mass.) and Ilhan Omar (Minn.) and a coalition progressive immigrant rights groups collected 200,000 signatures on a petition to reject any funding for detention centers or deportation agents. "This is one of the most urgent moral issues and crises that we have in America right now," said Ocasio-Cortez. "We will not allow children to die while we are in power here. We will not vote for any more [Department of Homeland Security] funding that hurts our children, that hurts our immigrant neighbors," said Tlaib. The progressives are scheduled to deliver their petition to House leadership later Thursday.

### **Democrats push for body cameras on all immigration, border cops**

[Washington Examiner](#) [2/7/2019 12:01 PM, Anna Giaritelli, 629K, DC] reports House Democrats are renewing a push to require the country's 80,000 federal immigration and border employees to wear body cameras while on the job. Rep. Adriano Espaillat, D-N.Y., on Wednesday reintroduced a 2017 bill that would mandate the 60,000 employees of U.S. Customs and Border Protection and 20,000 within U.S. Immigration and Customs Enforcement to record their interactions with people. The ICE and CBP Body Camera



Accountability Act would require body cameras be worn by all law enforcement and the footage from any incidents be made available to the defendant and plaintiff. Espaillat said a group of Hispanic Democrats chose to bring back the body camera bill and other immigration-related legislation in the wake of President Trump's State of the Union address Tuesday. "What we witnessed during the State of the Union address was more of the same – criminalizing immigrants, promoting inhumane policies that separate children from their families and raid sensitive locations such as public schools and courthouses. My colleagues and I are introducing this series of bills, a legislative package that will protect immigrants, immigrant families, and hold the Trump administration accountable," Espaillat said in a statement. ICE spokesman Matthew Bourke said the agency does not comment on proposed legislation, but did say the agency remains "dedicated to conducting immigration enforcement humanely, respectfully, and with professionalism."

#### **[NY] ICE to stay at county jail while Curran looks for compromise**

[Long Island Herald](#) [2/7/2019 3:19 PM, Brian Stieglitz, NY] reports that Nassau County Executive Laura Curran rescinded her decision to have officials from the U.S. Immigration and Customs Enforcement agency who are stationed at the Nassau County Correctional Center moved to the Nassau University Medical Center in East Meadow. They will remain housed in a trailer at the county jail, Curran said, "until we get this right for everyone." The announcement came amid a back-and-forth among Curran, lawmakers, union representatives and advocacy groups over where to put six ICE agents who have been posted at the East Meadow jail for 20 years. On Jan. 15, Curran asked ICE to vacate the premises by Jan. 31, citing a decision by the Appellate Division of State Supreme Court in November that it was illegal for local police to hold inmates longer than their sentences based on civil immigration detainers. Curran said that removing ICE from the premises would strengthen the county's community policing model and "eliminate confusion in the immigrant community and demonstrate that inmates are there for crimes." She announced that ICE could relocate to NUMC on Jan. 22, but faced backlash from activists. "It's disgusting. ICE will be where immigrants receive medical help," said Patrick Young, program director of the Central American Refugee Center. "Immigrants will be afraid to go to the 'ICE hospital.' It's a betrayal to the immigrant community." After speaking with ICE officials, Curran agreed on Jan. 28 to let them stay at the jail as long as they look for a new location away from the visitor's center, where they are currently housed, she said.

#### **[NY] NY bill targets workplace immigration discrimination**

[New York Upstate](#) [2/7/2019 6:41 AM, Staff, 36K, NY] reports that for people in the U.S. illegally, speaking up about missing wages can come at a big cost: deportation. Authorities and advocates say that since President Donald Trump's 2016 election they've seen an increase in reports of dodgy bosses threatening to call federal immigration agents on workers. In New York, where the labor department says it has investigated at least 30 cases in the last three years involving threats to a worker's immigration status, the attorney general on Wednesday urged legislators to make clear such practices are illegal. Attorney General Letitia James is proposing legislation to sharpen the language of an existing law, which bars employers from firing, threatening, penalizing or otherwise discriminating against workers who report or blow the whistle on wage violations. James' legislation would expand the law's definition of retaliatory conduct to include threats regarding a person's immigration status. In New York, under the existing law, the labor department has been fining employers up to \$10,000 and ordering them to pay victimized workers up to \$20,000 in damages for immigration-related retaliation and discrimination. Over the last three years, New York's



labor department has imposed at least \$250,000 in penalties and damages against employers for retaliation because of immigration status, according to Jim Rogers, the deputy commissioner for worker protection. Many offending businesses are in the service, agriculture and construction industries, Rogers said. Rogers said fearful workers are asking labor investigators to hold off on allegations until they move to a new home because employers and coworkers could have their addresses and report them to Immigration and Customs Enforcement. "They are scared of ICE and they don't want to take any action that might anger an unscrupulous employer," Rogers said. "So they ask us, 'please wait I am going to move next week.' That never used to happen."

Reported similarly: [ThinkProgress](#) [2/7/2019 2:36 PM, Rebekah Entralgo, 402K, DC]

**[NC] Another North Carolina sheriff boots ICE out of his jail**

[Rock Hill Herald](#) [2/7/2019 12:04 AM, Charles Duncan, 21K, SC] reports the Forsyth County Sheriff says he will stop accepting detainees from Immigration and Customs Enforcement who are being held on immigration violations, the Winston-Salem Journal reports. Sheriff Bobby Kimbrough Jr. follows similar decisions by the sheriffs in Wake and Durham counties last month. He made the announcement Wednesday after a rally by supporters of a man being held by ICE in the jail, according to the newspaper. Kimbrough came into office this year, along with new sheriffs in Durham and Wake, bringing a wave of announcements from the top cops in some of North Carolina's most populous counties. On the other side, the Alamance County sheriff recently asked for approval to bring in more federal money to house ICE detainees, The News & Observer reports.

**[TN] Arrests made by ICE agents in area nearly doubled since 2015, data shows**

[FOX13 Memphis](#) [2/7/2019 11:14 PM, Alexa Lorenzo, 19K, TN] reports new data shows that U.S. Immigration and Customs Enforcement arrests per year have nearly doubled since 2015. ICE agents in the Mid-South made 10,270 arrests in 2018. ICE tracks arrests by their field offices – there are 26 of them. In 2015 and 2016, agents made 5,200 arrests. In 2017, there were nearly 8,000 arrests. Then last year in 2018, ICE agents made more than 10,000 arrests in our area. But that increase is not the concerning trend. It's the percent of those arrests that are criminal. In 2015, 84 percent of the people arrested by ICE in our area had been previously convicted of a crime. In 2018, of the 10,270 undocumented immigrants arrested in our district, only 6,100 were criminal. That is less than 60 percent. "We need to have priorities. Immigrants aren't necessarily criminals and there's that perception that criminals are immigrants and immigrants are criminals, and study after study shows that actually foreign-born people tend to commit less crimes," said Mauricio Calvo, executive director of Latino Memphis. ICE officials said they continue to focus their limited resources first and foremost on those who pose the greatest threat to public safety. They issued a statement to FOX13 regarding the data: "Any suggestions as to ICE engaging in random or indiscriminate enforcement are categorically false," the statement read. Calvo said, "It is time for immigration reform and whatever we are doing right now is not working for anybody."

**[FL] Florida lawmakers revive push to ban 'sanctuary cities,' mandate cooperation between local cops and ICE**

[Orlando Sentinel](#) [2/7/2019 11:50 AM, Bianca Padró Ocasio, 170K, FL] reports Florida lawmakers are again considering a sweeping anti-"sanctuary" bill that would prohibit local governments from withholding information from federal immigration officials and require jails



to hold inmates suspected of being in the country illegally. The legislation, led by Sen. Joe Gruters, R-Sarasota, would give whistle-blower protection to officers who report people they suspect to be in the country illegally to federal authorities, while also protecting crime victims and witnesses from having their immigration statuses disclosed. Under the proposed law, government officials who fail to comply risk being suspended or removed from office. The bill comes as Congress faces another deadline for a government shutdown amid a national debate on immigration and a border wall. Also referred to as the "Rule of Law Adherence Act," the bill gives new life to legislation introduced last year to ban so-called "sanctuary cities," jurisdictions that limit or prohibit cooperation with federal immigration authorities. The measure passed the Florida House of Representatives but was never heard in the Senate. The bill prohibits local governments from adopting policies that would prevent law enforcement agencies from conducting "immigration status investigations." It also bans local governments from restricting information-sharing between U.S. Immigration and Customs Enforcement and local law enforcement. The bill also tasks all jail staff in Florida with informing ICE of inmates suspected of being in the country illegally and fully complying with requests to detain them.

Reported similarly: [Orlando Weekly](#) [2/7/2019 7:37 PM, Monivette Cordeiro, 43K, FL]

**[MN] Minnesota's Liberian community faces uncertainty as immigration program nears end**

[KSTP](#) [2/7/2019 10:48 PM, Staff, 66K, MN] reports a federal program protecting thousands of Liberian immigrants could soon come to an end, causing uncertainty among members of the Twin Cities Liberian community. The Deferred Enforced Departure (DED) program has allowed those immigrants to stay in the U.S. legally for 20 years. President Donald Trump decided in March, 2018 to terminate the program, providing a 12-month window to phase it out. It expires March 31. "The fear is enormous," said Erasmus Williams, chairman of the Liberian Immigration Coalition. A delegation, including Williams, will head to Washington on Monday to meet with lawmakers. Democrat U.S. Rep. Ilhan Omar put a spotlight on the issue Tuesday by bringing a Liberian immigrant to the State of the Union Address, pushing for a path to citizenship. There are about 5,000 to 6,000 Liberians living in Brooklyn Park. Mayor Jeffrey Lunde said the city would not be involved in deportation proceedings if the program does expire. Senator Tina Smith issued a statement on the matter. "Thousands of Minnesotans with DED immigration status have been living in our state legally for more than twenty years. Forcing them to return to the country they had to flee from decades ago would break up families and devastate the communities here in Minnesota where they have made their homes. We should extend DED, and then take the next step and make sure these Minnesotans have the opportunity to become citizens."

**[NM] New Mexico Governor Pulls National Guard From Border, Rejects Trump's 'Fear-Mongering'**

[Huffington Post](#) [2/7/2019 7:40 AM, Dominique Mosbergen, 6834K] reports New Mexico Gov. Michelle Lujan Grisham, rejecting President Donald Trump's claims of an immigration crisis, said she would withdraw most National Guard troops deployed at her state's southern border. She elaborated during a news conference on Wednesday. "I'm not going to participate, nor do I think it's appropriate in any shape or fashion to use the National Guard to attempt to militarize the border where we're dealing with asylum seekers whose constitutional rights continue to be breached," Lujan Grisham said, according to CNN. A majority of the 118 National Guard personnel stationed at New Mexico's southern border



will be withdrawn in the coming weeks, KOAT-TV reported. Only a small number of troops will remain in southwestern New Mexico to help with humanitarian needs, Lujan Grisham said. She added that the state police would send six officers to Hidalgo County to support local law enforcement. Trump said during his Tuesday State of the Union address that he's ordered the deployment of an additional 3,750 active-duty troops to the border to prepare for a "tremendous onslaught" of undocumented immigrants. Trump's deployment of military forces to the border could cost taxpayers an estimated \$1 billion by the end of the fiscal year, The Washington Post reported Wednesday.

**[NM] Southern New Mexico medical facilities strained to meet the needs of migrants**

[Deming Headlight](#) [2/7/2019 11:58 AM, Lauren Villagren, NM] reports as the Trump administration shifted tactics to deter asylum seekers from crossing the border, authorities in New Mexico say the humanitarian needs have only grown. The most pressing concern is health care, especially for kids. A 1997 court order bars the holding of children in immigration detention facilities for more than three weeks. The order was reaffirmed after the Trump administration separated thousands of migrant parents from their children last summer. Immigrant advocates also point to what are called push factors — the very real forces of poverty, political strife and gang violence that have engulfed Central America. Whatever the reason spurring parents to travel with children, it has spelled crisis for Hidalgo County, which encompasses the Bootheel region. On Dec. 26, Hidalgo County Manager Tisha Green fired off "an urgent request" to then governor-elect Michelle Lujan Grisham and the state's congressional delegation pleading for assistance. In December, after the deaths of the two Guatemalan children, Department of Homeland Security Sec. Kirstjen Nielsen issued a directive that all children under the age of 10 be screened by a medical professional. Since then, DHS has brought in medical personnel and, according to Border Patrol, will provide 24/7 medical service at the Lordsburg station beginning Feb. 1. Unlike the churches in Doña Ana County sheltering migrants released by U.S. Immigration and Customs Enforcement, the hospitals expect to be reimbursed for the health care they provide. Annually, ICE spends more than \$250 million on health care for detainees, according to an agency spokesman.

**[AZ] Border officer shoots driver; Arizona port of entry closes**

[Washington Post](#) [2/7/2019 11:59 PM, Staff] reports the mayor of Nogales, Arizona, says a port of entry on the U.S.-Mexico border is temporarily closed after a customs officer shot and killed a southbound driver who refused to stop. Mayor Arturo Garino tells the Arizona Daily Star that he was told the shooting took place after the truck tried to run over the officer Thursday night. Officers of the Mexican equivalent of U.S. Customs and Border Protection reportedly surrounded the truck and discovered the driver dead. Mexican authorities told the Nogales International newspaper that two men were in the truck and the passenger was arrested.

**[AZ] Arizona City Officials Demand Government Remove Razor Wire from Border Wall**

[U.S. News & World Report](#) [2/6/2019 9:46 AM, Alexa Lardieri, 2894K] reports U.S. Army troops place more concertina wire to the border wall in downtown Nogales, Arizona earlier this month. Officials in an Arizona city on the U.S.-Mexico border want the government to remove razor wire from a border wall that runs through town. The City Council of Nogales, Arizona, adopted a resolution on Wednesday "condemning the use of concertina wire as an indiscriminate use of lethal force by the federal government." The resolution states that the



city "recognizes the importance to cross border trade and business with Mexico as its most important economic resource." Although the wire was only installed on top of the wall initially, earlier this month, troops started placing wire in horizontal rows from the top of the wall to the ground. City officials say it poses a threat to the safety of residents, children, pets, law enforcement, and first responders. The council is asking that the government "take immediate action" to remove all the razor wire from the border wall within Nogales. It also demands that the troops not use force or military tactics within the town. If the actions are not taken, Nogales Mayor Arturo Garino said the city will sue. NBC News reported that U.S. Customs and Border Protection said it added the wire because of a request for more "support in high-risk urban areas commonly exploited by criminal smuggling organizations."

#### **[AZ] Driscoll again under fire for ICE detainees**

[Arizona Daily Sun](#) [2/7/2019 7:00 AM, Marcus Ford, 19K, AZ] reports for the second time in a year, Sheriff Jim Driscoll is being sued over his policy of holding inmates suspected of being undocumented for an additional 48 hours after they have paid bail or served their sentences so that ICE agents have time to drive up from Phoenix and place them in immigration detention. And for the second time, he has, at the expense of County taxpayers, retained an expensive Phoenix law firm to defend this policy. Sheriff Driscoll has taken the position that he is legally bound to honor Immigration and Customs Enforcement detainees to hold inmates for pick-up. In the first lawsuit (Tenorio-Serrano v Driscoll, et al.) Judge Campbell ruled that though Driscoll's defense argued state law required him to honor these detainees, in fact, "none of the statutes appear to support this assertion." Neither Sheriff Penzone in Maricopa County nor Sheriff Napier in Pima County honor ICE detainees. Sheriff Driscoll has also sought to justify his policy by saying that his policy keeps the community safe. He has not presented any statistics to back up his claim. In fact, numerous national studies show that so-called "secure" or "sanctuary" cities do not have higher crime rates. On the contrary, several studies indicate that immigrant-friendly cities and counties may be safer, due to the fact that there is greater trust and cooperation between residents and law enforcement.

#### **[NV] Activists, commissioner protest police agreement with ICE**

[Las Vegas Sun](#) [2/7/2019 4:03 PM, John Sadler, 43K, NV] reports Jorge Franco stood in paint-covered jeans as he spoke – in Spanish, then in English – about his experience in detention under a partnership between Metro Police and U.S. Immigration and Customs Enforcement. Franco was taking part in a protest with the nonprofits Arriba Workers Center and Make the Road Nevada outside of Metro Police headquarters, demanding data and information about how many undocumented immigrants have been turned over to ICE agents under an agreement between the agency and Metro. Local police departments can delegate officers to serve as immigration enforcement liaisons in conjunction with ICE. The so-called 287(g) agreement has changed over the years. According to the American Immigration Council, three models for the agreement existed at one time: task force, jail enforcement and hybrid models. Officers in the current jail enforcement model don't have discretion on whether to report undocumented immigrants in the jail system. ICE has say over whether a detainee is placed on an arrested undocumented immigrant.

Reported similarly: [KTNV](#) [2/7/2019 11:48 AM, Staff, 34K, NV]

#### **[Vietnam] A Trump policy puts the lives of Vietnamese refugees at risk**



[Crosscut Seattle](#) [2/7/2019 8:00 AM, John Stang, 14K, WA] reports, "I'm scared. I'm just really scared," says Mansur Sulayman, clenching his hands anxiously. Surrounded by family photos, he sits in his two-bedroom mobile home in Lynnwood, repeating this statement over and over. On the television, two muted CNN anchors silently debate the federal shutdown. Sulayman constantly keeps an eye on the news. "I'm scared for my family. I'm scared for my life," he says. "I cannot sleep at night." Sulayman, 48, has every reason to be afraid: He is one of over 8,500 Vietnamese refugees in the U.S. currently at risk of deportation. He cannot imagine going back to his country of origin, one he has not seen since 1979, when his family fled in the aftermath of the Vietnam War. Until recently, Sulayman thought he was safe. Though he was issued a final order of deportation in 2001, after serving a yearlong sentence for cocaine possession, he didn't dwell on it. A 2008 repatriation agreement between the U.S. and Vietnamese governments exempted a group of Vietnamese refugees from deportation — those who had fled the country before July 12, 1995, the day the U.S. and Vietnam re-established diplomatic relations.

This agreement, or Memorandum of Understanding, was intended to protect those who had fled and who now feared abuse or retaliation from the communist regime. Many refugees, like Sulayman and his family, were from South Vietnam, which had sided with the U.S. during the war. But under the Trump administration, the Department of Homeland Security reversed course on the agreement. It now allows for the repatriation of pre-1995 arrivals who are undocumented or, like Sulayman, have final orders of deportation that stem from prior criminal convictions — convictions that include minor offenses that might date back decades. Sulayman didn't realize he was in danger until November 2017, when suddenly, during a routine check-in, immigration officers asked him to sign papers requesting travel documents to Vietnam. He contacted an immigration lawyer soon afterwards, and he and five other family members each chipped in \$500 to pool together the \$3,000 deposit for the attorney's retainer. The legal process is likely to be long, and check-ins with immigration authorities every three months have him on edge. His family, including his wife, Diane, and children, Ali and Sophia, live in a never-ending state of worry about the future.

## Legal News

### **Hondurans Drop Suit Over Trump's Plans To Block Caravan**

[Law360](#) [2/7/2019 8:33 PM, Suzanne Monyak] reports a group of Honduran asylum seekers on Thursday agreed to drop their proposed class action challenging President Donald Trump's previously announced plans to block members of a Central American migrant caravan from entering the U.S. and applying for asylum. In a filing in D.C. federal court, attorneys for the proposed class filed a notice of voluntary dismissal of the lawsuit without prejudice, withdrawing their claims that the Trump administration had violated the migrants' constitutional rights with his public promises to deploy troops to the southwestern border and detain the asylum seekers without bond. Nexus Derechos Humanos Attorneys Inc., a pro bono law firm funded by immigration bond services company Nexus Services Inc., initially filed the suit in November, seeking to represent all Mexican, Central American or South American asylum seekers who were traveling to the U.S. and who entered after Oct. 31. The complaint was filed the same day that Trump held a press conference addressing the caravan, which he had painted as an "invasion," announcing his plans to end "catch and release" and to build "massive cities of tents" to hold migrants while they wait for asylum hearings. The suit accused the U.S. Department of Homeland Security and other agencies



of violating the Fifth Amendment right to due process and the Administrative Procedure Act by refusing to hear the caravan members' asylum claims.

**[MA] Boston DA May Seek BigLaw Help For Confronting ICE**

[Law360](#) [2/7/2019 3:45 PM, Staff] reports Boston's top prosecutor told Law360 on Thursday that she may turn to her BigLaw contacts for help with immigration matters, believing the state's attorney general is moving too slowly in addressing her concerns over a courthouse arrest by U.S. Immigration and Customs Enforcement. Rachael Rollins, a left-leaning Democrat who took office last month as Suffolk County's first new district attorney in more than a decade and has been critical of courthouse arrests, said she took action immediately after learning about the Jan. 7 detention by ICE of 21-year-old Cape Verdean immigrant Alfeu Barbosa in Suffolk County Superior Court. Rollins said she spoke to Attorney General Maura Healey and asked her office to move "incredibly quickly," seeking to block Barbosa's removal while his criminal case is pending, but had heard very little in the month since. She believes ICE courthouse arrests to be problematic because they make members of immigrant communities think twice before coming to court. ICE codified its long-standing practice permitting courthouse arrests with a written policy directive in January 2018. The agency has said it targets only specific individuals who are public safety threats, gang members, have criminal convictions or are the subject of deportation orders. "ICE, like other federal, state and local law enforcement agencies, makes arrests at courthouses to ensure the laws within the agency's jurisdiction are enforced in a safe and efficient manner," an agency representative said in a statement Thursday. "ICE arrests at courthouses are the result of targeted enforcement actions against specific aliens." The representative said ICE makes efforts to avoid alarming the public unnecessarily and avoids spending more time at the place of arrest than need be.

**[MD] Detained lawsuit victor released from immigration custody**

[Washington Post](#) [2/7/2019 1:56 PM, Associated Press] reports a Salvadoran woman who successfully sued a Maryland county over wrongful profiling and arrest has been released from immigration officials' custody after being unexpectedly detained during a routine check-in. The Baltimore Sun reports immigration officials released Roxana Orellana Santos on Monday evening, three weeks after she won a restraining order against U.S. Immigration and Customs Enforcement. Santos was detained by ICE on Jan. 8, days before a scheduled hearing to determine the damages owed by Frederick County. A federal judge wrote in 2017 that it was crucial for Santos to remain in the country until the case was settled. Her civil rights attorney notified ICE of the ruling but Santos wasn't released. Attorney Nicholas Katz says ICE agreed to release her under an order of supervision, requiring \$5,000 bail.

Reported similarly: [CBS Baltimore](#) [2/7/2019 7:24 AM, Staff, 49K, MD]

**[MD] Immigrant assistance group scrambling in wake of federal shutdown**

[Carroll County Times](#) [2/8/2019 5:00 AM, Erin B. Logan, MD] reports for many people not involved with the federal government, the recent 35-day partial government shutdown meant delayed visits to Smithsonian museums or canceled trips to a national park. But for staff and clients of the Columbia-based Foreign-Born Information and Referral Network, the shutdown complicated efforts for legal representation for foreign-born individuals. Undocumented immigrants, asylum seekers and refugees in Howard and nearby counties come to FIRN to receive counseling, interpretation and help navigating family and



immigration court systems. But closure of the courts during the shutdown complicated those efforts, delaying some cases and increasing the network's already-growing backlog, according to Hector Garcia, the organization's CEO. Over the past year FIRN took on some 4,500 cases, Garcia said; the shutdown postponed about 100 of them. Each day involved contacting clients to notify them of last-minute schedule changes. Now that courts are open, FIRN is scrambling to reschedule and notify clients of new court dates and reviews. The process takes considerable time, as much of FIRN's clientele is not "internet savvy" and rely on phone calls, he said. Additionally, FIRN litigators typically have one or two days to prepare for rescheduled cases — often not even that much time. FIRN serves people from Anne Arundel, Baltimore, Frederick, Howard, Montgomery, Prince George's counties, as well as Baltimore City. It works not only with foreign-born individuals, but also domestic violence victims, human trafficking survivors and others, according to its website. Services include help with citizenship and naturalization, Deferred Action for Childhood Arrivals (DACA), employment authorization and representation before the Board of Immigration Appeals.

**[MN] Somali refugee wins right to stay, at least for now**

[Minnesota Public Radio](#) [2/7/2019 5:23 PM, Riham Feshir, 15K, MN] reports in Judge Sarah Mazzie's courtroom this week, cheers and applause broke out. Hundreds of Somalis had been sent back over the past two years. But Abdulkadir Sharif Abdi wasn't. After a long legal battle, the civil war refugee, who is a former Minneapolis gang member, was now free. Outside the courtroom, Rhoda Christenson was on the phone with Abdi, her husband, after his appearance. When he was younger, he was involved in gang activity that got him into trouble with law enforcement. Court documents say Abdi was stabbed in the neck by a rival gang member. That history led to a deportation order against him. It wasn't possible to take him back to Somalia, which had no functioning government. He was required to check in regularly with Immigration and Customs Enforcement. After she heard about Abdi's detention, she started preparing herself for the possibility of his deportation. So when she heard Judge Mazzie's decision this week to release Abdi without bail, she was surprised. Abdi was released on his own recognizance, which is rare. Shortly after Abdi's arrest last year, ICE moved him and a group of others to different facilities to get them ready for a flight back to Somalia. His lawyers got him an emergency stay, meaning temporary relief and the chance to reopen his case. An immigration judge ruled in his favor, but the government appealed. The Board of Immigration Appeals upheld the lower court's order. "But there is a provision in the immigration law that allows them to hold people for 90 days after a removal order to look for what's called a safe third country to accept them," said Kim Hunter, one of his attorneys.

**[MN] Fund helps hire lawyers for undocumented workers**

[Rochester Post Bulletin](#) [2/7/2019 9:00 AM, Michael Resman, 24K, MN] reports that without any legal assistance, two-year-old children can appear in immigration court and be required to prove they have a right to be in this country. I didn't know that immigration is considered a civil matter, and legal representation is not required. Many people are deported because ICE agents get them to sign papers they don't understand. Having an immigration lawyer exponentially improves the chances of not being deported. Recently, a local nonprofit was formed to provide legal defense for undocumented community members with limited funds who are at risk of being deported. All monies raised by the Southeast Minnesota Interfaith Immigrant Legal Defense Fund will be used to hire lawyers. The Diversity Council of Rochester is the fiscal sponsor and donations are tax deductible.



**[WA] Yakima County jail agrees to stop handing over local inmates to ICE**

[Yakima Herald](#) [2/7/2019 3:19 PM, Phil Ferolito, WA] reports that in a settlement, the Yakima County jail has agreed to stop handing local inmates over to U.S. Immigration and Customs Enforcement officers merely at their request. The settlement could impact other jails nationwide that may be using the same practice. The agreement ends a year-long federal lawsuit challenging the jail's practice of placing ICE holds on suspects who were arrested on local charges. In two separate lawsuits calling the practice a violation of prisoners' constitutional rights, one inmate was denied assistance from a bail bondsman because an immigration hold was placed on him even though a local judge offered him bail on the local charge. In another lawsuit, an inmate was denied release after a woman had posted his bail. Until now, the jail would accept immigration holds that were either faxed or called in by an ICE officer. But the lawsuit challenging the practice alleged that corrections officers lacked arresting authority to enforce a warrant that wasn't signed by a judge, but merely requested by an ICE officer. Now ICE officers, who have the authority to serve warrants on and detain those suspected of immigration violations, are required to come to the jail and directly serve warrants to inmates suspected of immigration violations.

Reported similarly: [KIMA TV](#) [2/7/2019 1:03 PM, Janine Loutzenhiser, 5K, WA]

**[CA] 9th Circ. Urged To Uphold Block Of TPS Termination**

[Law360](#) [2/7/2019 8:13 PM, Tiffany Hu] reports several cities and counties on Thursday urged the Ninth Circuit to uphold a California federal judge's decision to block the Trump administration from terminating Temporary Protected Status for immigrants from four countries, saying that ending the program will have dire consequences for their communities. The city and county of Los Angeles, along with 31 cities and six counties, filed an amicus brief supporting U.S. District Judge Edward Chen's preliminary nationwide injunction in October preventing the administration from ending TPS for more than 300,000 immigrants from El Salvador, Haiti, Nicaragua and Sudan. In their brief, the cities and counties told the appellate court that the TPS beneficiaries make meaningful contributions to the economy and culture, which they argued would be lost if the administration is permitted to go through with its "unjustified and ill-considered" decision to terminate the program.

**[CA] Man charged with killing California officer returns to court**

[Washington Times](#) [2/7/2019 2:40 PM, Associated Press, DC] reports that a Mexican man in the U.S. illegally charged in the killing of a California police officer will return to court for the judge to hear the results of a mental health evaluation. Stanislaus County District Attorney's Office spokesman John Goold says Gustavo Perez Arriaga will return to court in Modesto Thursday. Perez Arriaga was charged in the Dec. 26 shooting death of Cpl. Ronil Singh of the tiny Newman Police Department during a traffic stop. In a hearing last month, Perez Arriaga's attorney questioned his client's mental competency, leading the court to delay the case until a mental health evaluation was completed. Authorities say he was in the country illegally and was fleeing back to his native Mexico when he was arrested two days after Singh's killing. The case rekindled a debate over California's sanctuary law that limits cooperation by local authorities with federal immigration authorities.

Additional reporting: [CBS Sacramento](#) [2/7/2019 9:49 AM, Staff, 86K, CA]



## Enforcement News

### **[MA] Feds charge Brazilian illegal immigrant over false Boston school shooting warning**

[Boston Herald](#) [2/7/2019 4:47 PM, Staff, 155K, MA] reports federal prosecutors have charged a Brazilian man living in the U.S. illegally with sending a letter to immigration authorities warning of an armed attack on a Boston school. Clebio De Lima, who lives in Quincy, was charged Thursday with making false statements to federal authorities. The U.S. attorney says U.S. Citizenship and Immigration Services offices in Boston received an unsigned letter handwritten in Portuguese last February that said a man named Mario had purchased two guns and was planning an attack on the school. It was determined that the allegations in the letter were false. During an interview with agents in September, the 43-year-old De Lima denied any knowledge of the letter.

Reported similarly: [WBSM](#) [2/7/2019 6:23 PM, Jim Phillips, 5K, MA]

### **[NY] U.S. Marshals arrest Spanish national sitting in El Chapo family row during deliberations**

[PIX 11](#) [2/7/2019 7:24 PM, Mary Murphy, 82K, NY] reports a Spanish national was in ICE custody Thursday evening, awaiting deportation, hours after U.S. Marshals hauled him out of the family row at the federal trial of Joaquin "El Chapo" Guzman Loera. A source told PIX11 Reny Martinez-Rivera has a long rap sheet, for crimes ranging from forgery to petit larceny to aggravated harassment. Martinez-Rivera arrived at the courthouse shortly before 7 a.m. Thursday, according to Maria Cespedes, a reporter working for Televisa who entered the courtroom with him. He told Cespedes he was from Milano, Italy, and that he was close friends with Mexican-born El Chapo and his family. When marshals later questioned him, Martinez-Rivera reportedly was indignant, telling them "You cannot tell me who my family is." When federal authorities found out Martinez-Rivera had an open warrant for his arrest, they hauled him into an overflow courtroom on the 8th floor of the federal courthouse and put handcuffs on him. Immigration and Customs Enforcement said Martinez-Rivera was "pending removal from the U.S." Thursday evening. ICE later released the following statement: "On Thursday, ICE arrested Reny Martinez-Rivera, a citizen and national of Spain, on immigration violations. Martinez-Rivera is illegally present in the U.S., and an immigration judge issued him a final order of removal April 26, 2006. He has an extensive criminal history in the U.S., which includes multiple felony convictions. He was arrested by local authorities on criminal charges on Dec. 6, 2018 but they released him on Dec. 8, 2018 despite an active ICE detainer. He is currently in ICE custody pending removal from the U.S." [Editorial note: consult source link for video]

Reported similarly: [New York Daily News](#) [2/7/2019 12:35 PM, Molly Crane-Newman, NY]

### **[NY] ICE: Alleged MS-13 Gang Member Charged in Deadly 7 Train Shooting Here Illegally**

[NY1](#) [2/7/2019 7:34 AM, Staff, 47K, NY] reports federal officials say the alleged MS-13 gang member charged in a deadly subway shooting in Queens over the weekend was in the country illegally. According to Immigration and Customs Enforcement, Ramiro Gutierrez is a citizen and national of El Salvador. ICE says it plans to take him into their custody if and when he is released from criminal custody. Gutierrez is accused of shooting 20-year-old Abel Mosso on the 7 train platform at the 90th Street-Elmhurst Avenue station on Sunday.



Investigators believe Mosso belonged to a rival gang. Police are searching for two more people in connection with the shooting. Gutierrez faces murder, gang assault and weapons charges.

Additional reporting: [Breitbart](#) [2/7/2019 9:11 PM, Katherine Rodriguez, 2015K]

**[NY] Tompkins County Deputy Called ICE to Report Mexican Man in Country Illegally, Drawing Sheriff's Ire**

[Cornell Daily Sun](#) [2/7/2019 4:55 PM, Nicholas Bogel-Burroughs, NY] reports an on-duty Tompkins County sheriff's deputy this week called federal immigration authorities to report that a Mexican man was in the country illegally, holding the man at the Sheriff's Office until agents arrived to detain him. The deputy's action in a county that passed sanctuary legislation almost two years ago brought swift criticism from several legislators and the sheriff himself. Officials from U.S. Immigration and Customs Enforcement drove to the Tompkins County Sheriff's Office and picked up the man, who has not been identified. He is now being held in the Buffalo Federal Detention Facility in Batavia, according to Tompkins County Sheriff Derek Osborne. A deputy took the man into custody, called ICE and held him at the Public Safety Building on Warren Road — which houses the jail and Sheriff's Office — until the ICE officers arrived. "For whatever reason, the deputy felt inclined to reach out to ICE who did respond and picked him up," Osborne said. "This type of interaction where ICE gets involved is not at all what my Sheriff's Office is going to be involved with." No local charges have been or will be filed against the Mexican man who was handed over to ICE, Osborne said. The Sheriff's Office does not know the man's real name — only the fake name he provided to the deputy — and an ICE spokesman said that without biographical information, he could not confirm if the man was in ICE custody.

**[NC] At least 50 arrested as ICE agents conduct raids in Sanford, Charlotte, the Triad**

[CBS 17](#) [2/7/2019 8:06 AM, Staff, NC] reports that ICE raids across the state have resulted in at least 50 arrests this week, according to authorities and immigrants' rights groups. A Tuesday morning raid of a firearms manufacturing facility in Lee County resulted in the arrests of about 30 people. U.S. Immigration and Customs Enforcement served federal search warrants at the Bear Creek Arsenal plant in Sanford. The company has about 250 employees, according to its website. Lee County Sheriff Tracy Carter said some of his deputies assisted ICE agents after receiving a request from federal officials. "This was the result of an ongoing investigation by U.S. Immigration and Customs Enforcement that dealt with identity theft and fraud. It is unclear at this time if the local business was at fault," Carter wrote in a post on his Facebook page. Wednesday night, people concerned after the recent ICE arrests in Sanford had the chance to get questions answered and find resources. Officials at St. Stephen's Catholic Church told CBS 17 at least 50 people showed up to the church for the meeting. An ICE spokesperson confirmed a presence in both Guilford and Alamance Counties Tuesday and Wednesday. But they could not confirm the number of arrests made, because the agency doesn't keep track of those numbers on a daily or even weekly basis. ICE spokesperson Bryan Cox sent WFMY News 2 the following statement: "As to reports of ICE officers conducting immigration enforcement in North Carolina, ICE conducts targeted immigration arrests everyday as part of its ongoing mission to enforce federal immigration law. ICE has multiple offices in North Carolina, to include Greensboro, and the presence of ICE officers locally is not new. As to how ICE conducts enforcement — ICE does not conduct any type of random or indiscriminate enforcement; the agency focuses first and foremost on criminal offenders and other public safety threats."



Cox said ICE agents always have a target list in hand. Meaning, ICE agents go to specific places, looking for specific persons.

The [Durham Herald-Sun](#) [2/7/2019 11:31 AM, Simone Jasper, 11K, NC] reports a man who shot live video Tuesday outside the Lee County business raided by immigration officials has been charged with threatening sheriff's deputies. Christian Enrique Canales, 27, of Sanford was taken into custody Wednesday and released on bail. He was charged with communicating threats to law enforcement officers and driving with a revoked license, Lee County Sheriff Tracy Carter said in statement on Facebook. Now some immigration advocates are questioning whether Canales was arrested "in retaliation" for bringing attention to the raid at Bear Creek Arsenal. An ICE spokeswoman said 25 people face criminal charges and two face civil immigration violations. Court records show at least some of the people are accused of using fake Social Security numbers to obtain employment.

**[NC] ICE official visits to discuss recent immigrant arrests in Charlotte**

[WSOCTV](#) [2/8/2019 6:58 AM, Mark Barber, NC] reports there have been a series of immigration arrests around Charlotte and across the state this week, and on Friday morning, agents will provide an update on the cases. While some leaders said they are upset about the arrests, U.S. Immigration and Customs Enforcement agents said they only target those who belong bars. The agency said last year, 91 percent of their arrests were undocumented immigrants with pending criminal charges or a prior conviction. However, an investigation from The Washington Post found the arrests of noncriminals have doubled since 2017. The Atlanta Field Office director who oversees the Southeast is traveling to Charlotte Friday morning to discuss this week's controversial arrests. ICE warned that the public would see a more visible presence in Mecklenburg County after the new sheriff, Garry McFadden, ended the 287(g) program at the jail. That federal program allows sheriffs to run undocumented immigrants' names through a database and notify ICE.

**[GA] Jay-Z offering legal assistance for 21 Savage, calls ICE arrest "an absolute travesty"**

[CBS News](#) [2/7/2019 11:02 AM, Caitlin O'Kane] reports that Jay-Z isn't letting a fellow rapper go down without a fight. The music mogul's entertainment company has enlisted an attorney to help 21 Savage, who was arrested by Immigration and Customs Enforcement on Sunday. Jay-Z called the arrest an "absolute tragedy." "The arrest and detention of 21 Savage is an absolute travesty, his U visa petition has been pending for 4 years," Jay-Z said in a statement posted to the Twitter account for his entertainment company, Roc Nation. "In addition to being a successful recording artist, 21 deserves to be reunited with his children immediately. #Free21Savage." Roc Nation said that 21 Savage, born She'yaa Bin Abraham-Joseph, is a father of three, engaged and has been living in the U.S. since he was 7 years old. On Thursday morning, spokesman Didier Morais said in a statement that the company "has procured attorney Alex Spiro to support 21 Savage's legal team." Roc Nation, which was founded by Jay-Z in 2008, also pointed out that last week 21 Savage released an extended version of his single "A Lot," which is about immigration injustice. 21 Savage was arrested during a targeted operation in the metro Atlanta area early Sunday morning. The agency said the British national remained in the U.S. after his non-immigrant visa expired in 2006. 21 Savage was convicted in 2014 of felony drug charges in Georgia, which ICE cited as part of his arrest. A day after his arrest by ICE, 21 Savage's attorney said ICE was trying to "intimidate" him into leaving the U.S. His lawyer said ICE is refusing to release the rapper on any bond amount even though he has not been charged with a



crime.

[Insider](#) [2/7/2019 7:11 AM, Alexandra Ma, 1082K] reports that ICE spokesman Bryan Cox told INSIDER that the rapper is a UK citizen who overstayed a visa that expired in 2006. The Atlanta, Georgia-based rapper was taken into custody, and is due to appear in federal immigration court, Cox said.

Reported similarly: [Rolling Stone](#) [2/7/2019 1:44 PM, Brendan Klinkenberg and Elias Leight]

**[FL] This teen migrated to the US border to escape gangs. He hopes to join his mom in the US.**

[PRI](#) [2/7/2019 3:00 PM, Monica Campbell] reports that in late November, reporter Monica Campbell headed to Tijuana, Mexico, to meet a teenager from El Salvador. He had arrived there recently, along with his grandmother, who accompanied him as far as Tijuana. But by late November, Vladi, 15, was on his own. His grandmother needed to return to El Salvador, and Vladi remained at a small youth shelter for other unaccompanied migrants like him. Fearing gang threats, Vladi's mother Verónica Aguilar left El Salvador in 2017 and presented herself at the US-Mexico border to seek asylum. After months in immigration detention in California, Aguilar then followed her original plan — to send for Vladi and have him join her and begin a safer life together in the United States. Vladi says he was threatened by the gangs, feeling pressured to join them. While Vladi waits in a shelter in Mexico, his mother waits for him in California. A couple took her in after she was released from detention in June 2018. Vladi approached the US-Mexico border on Dec. 1 to ask for asylum. He was accompanied by US immigration lawyers. When they got to the port of entry, the lawyers told the Customs and Border Protection officers how they were with asylum-seekers. A CPB supervisor came out and said: "Sorry, no room." The lawyers started going back and forth trying to persuade the CBP officers to let Vladi in. After being kept in a holding cell at the California border for several days, Vladi was transferred to a large shelter for unaccompanied minors in Homestead, Florida, near Miami.

**[MI] Speakers urge Ionia City Council to reject a proposed illegal immigrant detention facility**

[Ionia Sentinel-Standard](#) [2/7/2019 10:50 AM, Mitchell Boatman, MI] reports at the first Ionia City Council meeting since Immigration Centers of America (ICA) came to town to pitch its proposed illegal immigrant detention center, several citizens from around the state voiced their concerns. It was announced in October that ICA was the lone bidder for the former Deerfield Correctional Facility. The facility would hold up to 600 Immigration and Customs Enforcement (ICE) detainees while they wait for immigration hearings. There are several important steps that must be taken before the facility could be opened, including zoning adjustments, city council approval, finalizing the land purchase, and ICA obtaining a contract from ICE. Mason resident Mark Pine said Ionia has a chance to be like Philadelphia, where city leaders have taken strong stances against immigration detention facilities and ended their contract with ICE last year.

**[TX] UN: U.S. force-feeding immigrants may breach torture agreement**

[Washington Post](#) [2/7/2019 3:19 PM, Garance Burke] reports that the force-feeding of immigrant detainees inside a Texas detention facility could violate the U.N. Convention Against Torture, the Geneva-based United Nations human rights office said Thursday. The Office of the High Commissioner for Human Rights is concerned that force-feeding could



constitute "ill treatment" that goes against the convention, which the United States ratified in 1994, spokeswoman Ravina Shamdasani told The Associated Press. The U.N.'s statement echoes concerns raised by 14 Democratic lawmakers who sent a letter to U.S. Immigration and Customs Enforcement on Thursday requesting more information about nine Indian men on a hunger strike who have been force-fed through nasal tubes. One of the detainees refusing food, a 22-year-old man, described being dragged from his cell three times a day and strapped down on a bed as a group of people poured liquid into tubes pushed through his nose. "It is critical that ICE commit to ending this practice," said the letter spearheaded by Texas Democratic Rep. Veronica Escobar, who visited the El Paso Processing Center and met with the men after AP reported on the force-feeding. Last month, ICE obtained court orders to begin non-consensual feeding and hydration of the hunger strikers. The agency did not immediately provide comment on the U.N.'s statement, but has said that it fully respects the rights of all people to voice their opinion without interference. "ICE does not retaliate in any way against hunger strikers. ICE explains the negative health effects of not eating to our detainees. For their health and safety, ICE closely monitors the food and water intake of those detainees identified as being on a hunger strike," the agency said in a statement earlier this week.

Reported similarly: [The Hill](#) [2/7/2019 5:35 PM, Owen Daugherty, 3038K]

**[TX] Texas school district groundskeeper arrested for allegedly sexually assaulting child**

[FOX News](#) [2/7/2019 1:09 PM, Lucia I. Suarez Sang, 9216K] reports a grounds maintenance worker for a Texas school district was fired Wednesday, just days after his arrest for allegedly sexually assaulting a child. Jose Armando Lopez Solorio, 60, was charged with "super" aggravated sexual assault of a child – which means the victim is either under six years of age or the accused has been previously convicted of a violent sexual assault of a victim under the age of 14. The Montgomery County Sheriff's Office said it received a complaint against Lopez that alleged he sexually assaulted a 13-year-old on Feb. 1. Lopez was arrested at a family member's home in Houston, where police said he was babysitting small children. Authorities said Lopez admitted to the sexual assault he'd been accused of – and then he provided additional information that led to the upgraded "super" charge. Police said the abuse of the child began when the victim was only age 4 or 5. During the booking process, Immigration and Customs Enforcement agents contacted the sheriff's office and advised them Lopez's immigration status would likely be reviewed since he committed the alleged crimes while in the United States prior to receiving his residency status.

**[AZ] Migrant Sex Offender Caught Crossing Arizona Border**

[Breitbart](#) [2/7/2019 3:19 PM, Bob Price] reports that Border Patrol agents assigned to the Tucson Sector apprehended a previously deported criminal alien with a violent history of sexual assault after he illegally re-entered the U.S. Ajo Station agents patrolling along the Arizona border with Mexico came upon a group of four migrants who illegally crossed the border. The agents placed all four migrants in custody and transported them to the Ajo Station for processing, according to information obtained from U.S. Customs and Border Protection officials. All migrants apprehended for illegal immigration are put through a biometric background investigation to search for criminal history, prior immigration violations, or gang affiliation. In this case, agents identified one of the migrants as a previously deported sex offender. A court in Travis County, Texas, convicted Jose Geovani



Flores in 2011 on a felony charge of sexual assault. The court sentenced the Honduran national to two years in state prison, officials stated. Officers from U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations division processed the criminal alien for removal following his prison sentence. Flores now faces new federal felony charges for illegal re-entry after removal as a sex offender, officials reported. The maximum penalty for this offense is confinement for up to 20 years in federal prison.

**[NV] Suspect in 4 Nevada killings in Carson City court Friday**

[Washington Times](#) [2/8/2019 12:00 AM, Scott Sonner] reports a 20-year-old Salvadoran accused of murdering four people in Nevada is going before a justice of the peace who will consider whether he should be tried initially on burglary charges related to items he allegedly stole from the victims. A preliminary hearing is scheduled Friday in Carson City Justice Court to determine whether there's enough evidence to bound Wilber Martinez-Guzman over for trial in district court. County prosecutors intend to extradite him to Reno eventually to face murder charges in the killing of the couple and two other women a week earlier in Gardnerville. Immigration officials say Martinez-Guzman entered the country illegally but they say they don't know when or where.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Monday, Feb. 11, 2019**

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## **Executive Office for Immigration Review**

### **Partial shutdown delayed 60,000 immigration court hearings**

[Associated Press](#) [2/8/2019 6:59 PM, Staff] reports the partial government shutdown that ended last month has delayed about 60,000 immigration court hearings. Kathryn Mattingly, a spokeswoman for the Executive Office for Immigration Review, said Friday that hearings have been rescheduled for the earliest available date. With more than 800,000 pending cases, the immigration courts overseen by the Department of Justice are notoriously backlogged and at least one judge said she has no openings on her calendar until 2022. Mattingly says immigrants can file a motion asking for an earlier date if needed. The 35-day shutdown over President Donald Trump's demand for a border wall halted immigration court hearings for immigrants who were not detained, including asylum seekers hoping to stay in the United States.

### **60K immigration court hearings were delayed during government shutdown**

[The Hill](#) [2/8/2019 7:46 PM, Owen Daugherty, 3038K] reports the 35-day partial government shutdown that came to an end late last month reportedly delayed roughly 60,000 immigration court hearings. Kathryn Mattingly, a spokesperson for the Executive Office for Immigration Review, said the hearings would take place as soon as possible, The Associated Press reported Friday. Immigration courts overseen by the Department of Justice have more than 800,000 pending cases, with the record-long shutdown delaying thousands of hearings. One immigration judge reportedly does not have an open date on her calendar until 2022. Mattingly told the AP that immigrants can file a motion requesting an earlier hearing date if necessary. Immigrants facing deportation or attempting to seek asylum in the U.S. often times must have an immigration hearing in order to stay. The partial shutdown that put the immigration hearings in limbo among other things came to an end last month when agreed to a three-week temporary spending measure without money for his proposed border wall.

### **Two transgender women joined migrant caravan. Only one survived journey to San Francisco.**

[San Francisco Chronicle](#) [2/10/2019 5:42 PM, Tatiana Sanchez, 337K, CA] reports moments before paramedics rushed Roxsana Hernandez out of an ICE jail in New Mexico, Charlotte consoled her dying friend. They'd only known each other a few months, but the Honduran women had formed a tight bond, traveling to the U.S.-Mexico border together last spring in a highly publicized migrant caravan and petitioning for asylum in San Ysidro. As openly transgender women, the pair were running from the grip of death in one of the most violent countries in the world. Only one would survive the treacherous 2,700-mile journey. Only one would have a chance at a new life. Hernandez died from cardiac arrest and complications from HIV in May, sparking outrage and renewing a debate on the treatment of transgender people in detention facilities. The mystery and controversy behind her death lingers – an independent autopsy revealed signs that Hernandez was abused and neglected while in the custody of the Immigration and Customs Enforcement agency, according to her family. Nine months later, Charlotte is piecing her life back together, hoping to start over in the Bay Area. Her story illustrates the plight of lesbian, gay, bisexual and transgender migrants in particular, who face extreme violence and discrimination in their home countries. ICE, U.S. Customs and Border Protection and the Executive Office for Immigration Review said they don't specifically track the number of LGBT asylum seekers



that cross the border each year. There were 111 self-identified transgender individuals in custody at 20 ICE facilities across the country as of Feb. 4, according to the agency. Charlotte, who recently found a pro bono attorney in the Bay Area, checks in with ICE regularly and is awaiting a preliminary hearing in San Francisco Immigration Court this month. ICE said it cannot speak to the validity of the private autopsy performed on Hernandez, but said that allegations she was abused in ICE custody are false.

### **[NY] Cases Rescheduled as ICE Fails to Produce Dozens of Detainees in Immigration Court**

[Documented](#) [2/8/2019 3:04 PM, Felipe De La Hoz, NY] reports immigration courts are often chaotic. On Wednesday, the detained docket of New York City Immigration Judge Charles Conroy took things to the next level, as ICE personnel were unable to explain to an increasingly frustrated Conroy and a cadre of immigration lawyers where the detainees were. Conroy had an extraordinarily heavy docket of about 40 detained cases scheduled for the day, partly because of rescheduling after unexpected dockets at the facility — which usually only sees cases for immigrants who are not detained — left several detainees without legal representation. Immigrants were supposed to start showing up at 8:30 am sharp, and they did. Except they had been brought from the Bergen County Jail in Hackensack, N.J., while most of the attorneys were waiting for clients brought from the Hudson County Jail, in Kearny, N.J. As Conroy started calling cases, attorneys jumped up to say that their clients were not in attendance. Some lawyers speculated that because ICE stopped taking detainees from Hudson County Jail to the 201 Varick Street courtroom last year and had instead been beaming them into the courtrooms via video link, agents had assumed that this docket at 26 Federal Plaza would work the same way and didn't bother to bring the detainees in person. A man who announced himself as a supervisor in the Office of the Chief Counsel, ICE's prosecutorial division, stepped up and apologized to the judge, saying that there was "no excuse for what happened," and claimed that the detainees were on their way on a bus. Conroy responded that he doubted he could get through all the cases now.

The courtroom not only had attorneys without clients, but immigrants without attorneys. The New York Immigrant Family Unity Project (NYIFUP), a city-funded immigration public defense project composed of three of the city's largest public defender organizations, is intended to guarantee defense in all removal proceedings. The NYIFUP providers have said that they do not have the operational capability to represent all clients at the 26 Federal Plaza facility in addition to those appearing at the immigration court at Varick Street. After repeated extensions of the Hudson detainees' estimated arrival time, the detainees were finally brought outside the courtroom at about 12:30pm, four hours after the initial docket had been scheduled. Then, to the dismay of the still-assembled attorneys, word started trickling in that ICE had still not brought all of the right detainees, and many of their clients remained at the jail in New Jersey. Throughout the day, Conroy's legal assistant tried to use the teleconferencing system that was set up to one side of the courtroom in efforts to reach the detainees still stuck at Hudson, but couldn't get through. At some point, she said that all the lines were busy. At about 2:45pm, over six hours after the first detainees were supposed to have their cases heard, Conroy got through to Hudson, and some of the remaining attorneys were finally able to proceed with the hearings. At least one was seeing her client for the first time through the video link. The Executive Office for Immigration Review (EOIR) is planning to open up new courtrooms at the Varick Street facility, including for detained dockets, and shuffle judges around. The odd dockets may be part of efforts to phase in the changes and respond to claims that they are taking too long to produce



detained immigrants for their first hearings, an argument that forms the basis of a lawsuit filed by Bronx Defenders against the government. Clearly, there are significant kinks in the coordination between EOIR, which is part of the Justice Department, and ICE, which is part of the Department of Homeland Security. An EOIR spokesman referred questions about the failed appearances to ICE.

### **[CO] Denver immigration court cases delayed by shutdown may not go before judges until 2020**

[Denver Post](#) [2/8/2019 10:54 AM, Elise Schmelzer, 380K, CO] reports after 10 years of slogging through federal immigration court in Denver, Joel Simental's judgment day seemed to draw near. Finally, he would have a chance to appear before a judge and explain why he shouldn't be deported to Mexico. He crossed the border illegally as a 12-year-old, escaping an abusive father and a violent hometown. He entered the immigration court system in 2009 after officials were alerted to his undocumented status during a traffic stop in Arapahoe County for a broken tail light. Simental, now 40, has been eager to have a judge decide whether he qualifies for permanent residency in the U.S.

Just before Christmas, much of the federal government closed. The judges and staff at Denver's immigration court were furloughed. Over the next 35 days, hundreds if not thousands of hearings in Denver's immigration court were canceled, including Simental's. Because of a nationwide backlog in the immigration court system, he and all the others with cases pending in Denver could wait years before they get a new hearing. The Executive Office for Immigration Review, the federal agency that oversees administrative immigration courts like Denver's, did not know how many hearings were canceled in Denver during the shutdown, spokeswoman Terri Kaltenbacher said. The canceled hearings – which are not criminal proceedings – will be rescheduled for the assigned judge's earliest available date, she said. "The current immigration courts in Denver are scheduling cases for 2020, 2021 and beyond," said David Kolko, a Denver immigration attorney who had multiple clients affected by the shutdown. Denver's immigration court remained closed for 22 business days because of the shutdown. The six judges in Denver's immigration court sometimes each have up to 40 hearings in a day.

The shutdown's effects were especially complicated for immigrants who are attempting to navigate the courts without a lawyer, said attorney Hans Meyer. Unlike in criminal court, people in Denver's immigration court have no right to a public defender. Immigration judges consider a wide variety of factors when deciding whether an immigrant who entered the country illegally should be able to remain, including how long the person has lived in the U.S., evidence of good moral character and how deportation will affect any dependent family members. The National Association of Immigration Judges sent a letter to the U.S. House of Representatives and the Senate on Jan. 9 outlining the system's problems. Nationwide, more than 800,000 cases wait to be decided by approximately 400 judges. The shutdown furthered that backlog and "has placed an unmanageable burden on our nation's Immigration Courts," the letter states.

## **Policy and Legislative News**

### **Shutdown looms as border talks break down over immigration enforcement**

[Washington Post](#) [2/10/2019 5:51 PM, Erica Werner, Damian Paletta and Seung Min Kim] reports the nation faces the real possibility of another government shutdown at the end of



this week, after bipartisan talks aimed at averting that outcome broke down in a dispute over immigration enforcement, lawmakers and aides said Sunday. President Trump's border wall demands, which precipitated the record-long 35-day shutdown that ended late last month, were a secondary issue in the impasse that developed over the weekend, according to officials in both parties. Instead, after looking promising for days, the delicate negotiations collapsed over Democrats' insistence on limiting the number of unauthorized immigrants who can be detained by the U.S. Immigration and Customs Enforcement agency. The breakdown in talks made it unlikely that lawmakers will be able to finalize an agreement on Monday, as they'd hope to do so it could pass the House and Senate before Friday night's deadline.

[Sara Carter](#) [2/10/2019 9:45 AM, Sara Carter] reports that Tom Homan, former ICE Director, told SaraACarter.com on Sunday that the proposal to impose drastic limitations on detention beds and weaken ICE's effectiveness to hold criminal legal immigrants is a serious security issue that is unacceptable. "The Dems proposal will result in tens of thousands of criminal aliens and other illegal aliens that are currently detained pending a court hearing or removal to be released into our communities," said Homan. He noted the proposals are "making this entire country a sanctuary." It will result in "a rush to the border because incoming aliens will know there is no consequence for their actions," Homan added. "As I have said all year, the Dems may not abolish ICE but they will cripple them and make them ineffective by severely harming their operational budget."

[FOX News](#) [2/10/2019 10:40 AM, Andrew O'Reilly, 9216K] reports President Trump's acting Chief of Staff Mick Mulvaney made it clear Sunday that the administration plans to have a wall along the U.S.-Mexico border built, with or without funding from Congress. Mulvaney, who, along with his duties, also heads the Office of Management and Budget, said that the Trump administration will take whatever funding Congress offers and "then we will go find money someplace else legally" to build the border wall. "Talks have broken down because Senate Republicans are refusing to compromise on limits to the Trump administration's cruel immigration policies," a senior Democratic aide told Fox News on Sunday. "A deal that includes new physical barriers must also include limits on the number of ICE detention beds. If Senate Republicans won't compromise with us on both, we can't reach a deal." [Editorial note: consult source link for video]

Additional reporting:

[Washington Post](#) [2/9/2019 4:16 AM, Alan Fram and Andrew Taylor]

[Washington Post](#) [2/8/2019 6:25 PM, Erica Werner]

[Washington Post](#) [2/8/2019 10:32 AM, Greg Sargent, 9763K]

[New York Times](#) [2/10/2019 5:02 PM, Emily Cochrane, Maggie Haberman and Eric Schmitt]

[New York Times](#) [2/8/2019 7:30 PM, Jamie Stockwell]

[Wall Street Journal](#) [2/10/2019 11:48 AM, Kate Davidson, et al.]

[Reuters](#) [2/10/2019 8:41 AM, Richard Cowan and Doina Chiacu]

[Politico](#) [2/10/2019 5:13 PM, Marianne Levine, Heather Caygle, and Burgess Everett]

[The Hill](#) [2/10/2019 2:27 PM, Alexander Bolton, 3038K]

[The Hill](#) [2/10/2019 7:01 AM, John Bowden]

[The Hill](#) [2/9/2019 6:00 AM, Jordain Carney and Niv Elis, 3038K]

[The Hill](#) [2/8/2019 3:37 PM, Blas Nuñez-Neto, 3038K]

[Los Angeles Times](#) [2/8/2019 3:20 PM, Jennifer Haberkorn]

[NPR](#) [2/10/2019 1:42 PM, Shannon Van Sant]

[CNN](#) [2/10/2019 10:31 AM, Phil Mattingly, Manu Raju, Lauren Fox and Eli Watkins, 5847K]



[FOX News](#) [2/10/2019 1:30 PM, Gregg Re]  
[FOX News](#) [2/9/2019 6:02 AM, Lukas Mikelionis]  
[NBC News](#) [2/10/2019 1:08 PM, Ben Kamisar, 4061K]  
[Fortune](#) [2/10/2019 3:02 PM, Erik Wasson, Jennifer Jacobs and Arit John, 1015K]  
[Washington Times](#) [2/10/2019 1:42 PM, Jonathan Lemire and Alan Fram, DC]  
[Washington Times](#) [2/8/2019 8:00 AM, David Sherfinski, DC]  
[Washington Examiner](#) [2/10/2019 1:30 PM, Melissa Quinn, DC]  
[Washington Examiner](#) [2/10/2019 4:21 PM, Susan Ferrechio, DC]

**Sheriffs warn immigration deal will pour 8,300 criminals onto streets to disappear**

[Washington Examiner](#) [2/9/2019 5:08 PM, Paul Bedard, 629K, DC] reports that sheriffs from around the country are urging lawmakers and administration officials crafting an immigration packages to drop a proposed cap on the number of illegal aliens ICE can hold, warning it will free over 8,300 criminal immigrants and endanger the public. In a letter to House and Senate negotiators, the National Sheriffs' Association and Major County Sheriffs of America said, "This dangerous congressional proposal not only jeopardizes the risk of our national security, but hinders our law enforcement officers from effectively enforcing and upholding the law and protecting their communities." According to reports, the emerging deal does not include the money President Trump wants for a physical wall and it does not include the number of beds Immigration and Customs Enforcement said it needs to house illegal immigrants arrested inside the United States. The sheriffs suggested that those released often never return for court dates. "Capping the number of detention beds utilized by ICE not only jeopardizes the integrity of the immigration system, but would cripple ICE's ability to detain criminal aliens and other aliens who pose a risk to public safety or are a flight risk," said the two letters signed by Sheriff John Layton, president of the National Sheriffs' Association, Sheriff Grady Judd, president of the Major County Sheriffs of America, and Sheriff Mike Bouchard, vice president of governmental affairs for Major County Sheriffs of America.

The legislation puts a cap on those ICE can hold at an average of 16,500. If passed, that would require ICE to release over 9,000, said the sheriffs, and they estimated that at least 90 percent are criminals. The letter says, "Any legislation that reduces ICE's detention capacity would hinder its ability to perform its national security and public safety missions, but also impact local law enforcement's ability to protect the communities they serve. Approximately 72 percent of ICE's current detention population is subject to mandatory detention due to the alien having certain convictions or having committed certain acts. Placing a cap on ICE detention beds will undermine the efficacy of the immigration system and reduce the number of aliens who are removed from the United States."

Reported similarly: [The Daily Caller](#) [2/10/2019 10:50 AM, David Krayden, DC]

**Trump tries to turn border debate his way with El Paso rally**

[Washington Post](#) [2/11/2019 4:49 AM, Zeke Miller] reports that President Donald Trump is trying to turn the debate over a wall at the U.S.-Mexico border back to his political advantage as his signature pledge to American voters threatens to become a model of unfulfilled promises. Trump will hold his first campaign rally since November's midterm elections in El Paso, Texas, on Monday as he faces a defining week for his push on the wall — and for his presidency and his 2020 prospects. Weakened by the disastrous government shutdown and facing a fresh deadline Friday, Trump is trying to convince people that that



he'll continue to push to build his long-promised wall, even though there's no way it would be anywhere near complete by the time voters have to decide whether to give him another term. A bipartisan group of lawmakers were negotiating ahead of Friday's deadline, but on Sunday people familiar with the talks said the mood among the bargainers had grown sour. They spoke on condition of anonymity to discuss private talks. The president, who feared a backlash from his most loyal supporters last year if he didn't use the last gasp of unified Republican control in Washington to fight for the wall, isn't expected to provoke another standoff with Congress. West Wing aides have acknowledged there is insufficient support among Republicans to sustain another shutdown fight. A Trump campaign adviser said the Trump team sees the El Paso rally as less about winning over voters ahead of the 2020 election and more an opportunity to reshape the debate around the wall. The campaign views the rally, which is to take place just a few hundred yards from El Paso's border fence, as an opportunity for Trump to make the case that border barriers work, said the adviser, who was not authorized to discuss campaign strategy by name and requested anonymity.

### **Trump Renews Restrictions On Asylum Eligibility**

[Law 360](#) [2/8/2019 8:42 PM, Suzanne Monyak] reports President Donald Trump handed down a presidential proclamation Thursday night extending a policy — currently blocked by the federal courts — that strips asylum eligibility from migrants who cross the southwestern border outside of a designated port of entry. The proclamation renews the Trump administration's restrictions on asylum eligibility for another 90 days while the federal government awaits a decision on its appeal of a nationwide preliminary injunction that stopped the restrictions from going into effect. In the proclamation, Trump faulted that injunction order, issued by U.S. District Judge Jon S. Tigar in December, for having "hampered" the government's ability to address unauthorized border crossings. The administration issued an interim final rule on Nov. 9, immediately followed by a presidential proclamation carrying it out, that asylum claims would only be processed at ports of entry, and that any asylum seekers who cross the U.S.-Mexico border between those ports will be ineligible for that relief, even if they express a fear of persecution in their home countries. Instead, those migrants would only be eligible for a withholding of removal or protections under the United Nations Convention against Torture.

Additional reporting:

[The Hill](#) [2/8/2019 8:00 AM, Julie Dahlstrom, 3038K]

[CNN](#) [2/8/2019 11:39 AM, Priscilla Alvarez]

[Newsweek](#) [2/8/2019 6:07 AM, Chantal Da Silva, 2656K]

[Roll Call](#) [2/8/2019 5:04 PM, Camila DeChalus, 90K]

[FOX 17](#) [2/8/2019 12:15 PM, Adrian Mojica, 39K, TN]

### **Presidential Proclamation on Addressing Mass Migration Through the Southern Border of the United States**

[The White House](#) [2/7/2019 9:29 AM, President Donald J. Trump, 437K, DC] reports that in Proclamation 9822 of November 9, 2018, I found that our immigration and asylum system is in crisis as a consequence of the mass migration of aliens across the border between the United States and Mexico. Accordingly, pursuant to sections 212(f) and 215(a) of the Immigration and Nationality Act, I found that the unlawful entry of aliens through that border is detrimental to the interests of the United States and suspended and limited entry of such aliens. Section 2(d) of Proclamation 9822 directed the Secretary of State, the Attorney General, and the Secretary of Homeland Security jointly to submit to me a recommendation



on whether an extension or renewal of the suspension and limitation on entry in Proclamation 9822 is in the interests of the United States. As that recommendation reflects, the problem of large numbers of aliens traveling through Mexico to enter our country unlawfully or without proper documentation has not materially improved, and indeed in several respects has worsened, since November 9, 2018. The ability of the United States to address those problems has also been hampered by a nationwide injunction issued by a United States District Judge in the Northern District of California. That injunction currently prevents the Attorney General and the Secretary of Homeland Security from implementing an interim final rule that would render any alien who enters the country in contravention of a proclamation limiting or suspending entry at the southern border ineligible to be granted asylum. Now I, Donald J. Trump, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, hereby find that, absent the measures set forth in this proclamation, the entry into the United States of persons described in section 1 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. Nothing in this proclamation shall limit an alien entering the United States from being considered for withholding of removal under section 241(b)(3) of the INA or protection pursuant to the regulations promulgated under the authority of the implementing legislation regarding the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or limit the statutory processes afforded to unaccompanied alien children upon entering the United States. The Secretary of State and the Secretary of Homeland Security shall continue to consult with the Government of Mexico regarding appropriate steps – consistent with applicable law and the foreign policy, national security, and public-safety interests of the United States – to address the approach of large groups of aliens traveling through Mexico with the intent of entering the United States unlawfully, including efforts to deter, dissuade, and return such aliens before they physically enter United States territory through the southern border.

**After holiday lull, Central American family migration returns to record levels, new border figures show**

[Washington Post](#) [2/8/2019 5:19 PM, Nick Miroff, 9763K] reports U.S. border officials said Friday they saw an abrupt drop-off in illegal crossings during the holiday season, but the number of Central Americans arriving in family groups has returned to record levels since then. During the first week of January, when the extended Christmas season was still being celebrated in Mexico and Central America, the number of migrant family members taken into custody by U.S. agents fell to as low as 200 on some days, according to preliminary data from U.S. Customs and Border Protection. By the middle of January, the number of family members arriving jumped again, reaching as high as 1,400 per day, and smuggling organizations once more began delivering groups of 300 or more parents and children to remote border crossings in Arizona and New Mexico. Family groups accounted for 59 percent of all border apprehensions, and although the total number of parents and children taken into custody – 24,116 – declined slightly from December, "That still represents one of the highest totals we have on record," one official said. Overall, CBP carried out 58,207 arrests and detentions in January, down 4 percent over the previous month, the latest figures show. The families are typically processed and released from federal custody after a few days, with a hearing in immigration court that may be months or years away. Critics deride this model as "catch and release," and say it is adding to a legal backlog that has pushed U.S. immigration courts to the brink of collapse. Homeland Security officials say they are studying intelligence data to better understand why arrest numbers fell so sharply.



Additional reporting:

[MSN](#) [2/10/2019 4:26 AM, Deborah Bonello]

[ABC News](#) [2/8/2019 12:12 PM, Anne Flaherty]

[Breitbart](#) [2/8/2019 8:19 PM, John Binder, 2015K]

[Washington Times](#) [2/10/2019 4:49 AM, Stephen Dinan]

### **As Government Continues 'Dumping' Migrants in Border Cities, Activists Organize**

[Rewire News](#) [2/8/2019 12:36 PM, Ari Honarvar] reports the Trump administration has never hidden its animosity toward asylum seekers. Trump's zero-tolerance policy is a recent example of this, one that set off a ripple effect that continues today. On October 23, months after the court had ordered the reunification of families, Immigration and Customs Enforcement (ICE) curtailed all reviews of post-release plans for family units who have been processed by the immigration authorities. As a result, asylum-seeking families have been released onto the streets of U.S. border towns without food, instructions, or means to contact sponsors. Immigration authorities released 1,500 asylum seekers in El Paso in one week alone, according to USA Today. Immigration rights volunteers in other border towns such as San Diego have been experiencing a similar trend. Kate Clark, director of immigration services at Jewish Family Service of San Diego, a partner of the San Diego Rapid Response Network, told Rewire.News, "Vulnerable [asylum-seeking migrant] families have no local support or resources, and no idea what to do next — other than appear at their ICE check-in and court hearing to continue their asylum claims process." An ICE spokesperson told Rewire.News in an email, "Due to the recent uptick in family units presenting themselves along the Southwest border, ICE no longer has the capacity to conduct these reviews." In response to releasing vulnerable immigrants onto the street, the ICE spokesperson said, "The safety of those in ICE's custody remains the agency's highest priority, with special attention paid to vulnerable populations."

Additional reporting: [The Guardian](#) [2/10/2019 3:00 AM, David Agren, UK]

### **Larger groups seen crossing border as overall arrests drop**

[Washington Post](#) [2/8/2019 8:37 AM, Elliot Spagat, 2015K] reports Central Americans are increasingly entering the United States illegally in groups of at least 100 people in remote stretches of the Mexican border, authorities said Friday upon releasing January figures that show total arrests fell for a second straight month. A group of 325 Central Americans surrendered to agents Thursday near Lukeville, Arizona, according to Customs and Border Protection. There were nearly 150 children, including 32 who were traveling alone. The Border Patrol has encountered groups of at least 100 people 60 times since Oct. 1, compared to 13 during the entire 2018 fiscal year and two in the 2017 fiscal year, officials said. It is unclear what's driving the sudden uptick of large groups in remote areas but families, many of them Central American asylum seekers, make up a large and growing percentage of arrests across the border. U.S. authorities arrested or stopped people for immigration violations 58,207 times in January, down 4 percent from 60,779 in December but up 62 percent from 35,905 in January 2018. It was the second straight monthly decline, though arrests typically fall from December to January. Families and children traveling alone accounted for 33,861 of those encounters, or nearly 6 of every 10 stopped at official crossings or arrested for entering the country illegally between crossings, mostly from Guatemala, El Salvador and Honduras. Customs and Border Protection says medical attention was needed about 12,000 times for border crossers in the 12-month period ending



Sept. 30.

Reported similarly:

[Breitbart](#) [2/8/2019 5:19 PM, Bob Price, 2015K]

[KTAR](#) [2/8/2019 4:31 PM, Staff, 29K, AZ]

[Tucson Sentinel](#) [2/8/2019 11:57 AM, Paul Ingram, 3K, AZ]

**Migrants at Texas border joined caravan to escape violence, will wait to enter U.S.**

[El Paso Times](#) [2/8/2019 11:41 AM, Yfat Yossifor, TX] reports the caravan of 1,800 migrants seeking asylum Thursday, Feb. 7, 2019 arrived to the border town Piedras Negras on Monday. U.S. officials said Wednesday they can process about 16 asylum seekers daily. Honduras is plagued with violent crime, and its murder rate remains the highest in the world despite being drastically curbed in recent years, according to Human Rights Watch. Throughout the day, buses were loaded with people opting to self-deport back to Honduras. The fenced compound holding the migrants is about a 20-minute drive from the border and was once a factory. Earlier in the week, on the U.S. side of the border, about 500 Texas state troopers, 50 reserve deputies from across the state and 250 active duty military were dispatched to the area around Eagle Pass in response to the influx of migrants in Piedras Negras.

Alvaro Miranda held up his phone showing a photo of injuries, his arms bruised and beat from a confrontation with a gang in El Salvador. Like others, he joined the caravan to seek asylum for a chance to find a better life, he said in Spanish to a translator. Miranda said they came to the Texas border instead of northern Mexico ports like Tijuana because they felt there were likely fewer migrants in Piedras Negras, making it a safer port to seek asylum. Miranda said the migrants didn't know they would be detained for processing for so long. He said one of the problems is the lack of communication and orderly way to process the migrants. Each person was given a wristband with a number, yet the immigration officers are not calling people in numerical order, he said. In El Salvador, Miranda worked long hours for low pay. When he finally got paid, he would turn a corner and run into organized criminals who would take his money. "We come in peace to look for work and help our families, we didn't set out with the idea of violating the law."

Additional reporting: [KSDK](#) [2/9/2019 9:10 AM, Oscar Margain, 66K, MO]

**Border-security advocates form 'human wall' along U.S.-Mexico border**

[FOX News](#) [2/10/2019 1:30 PM, Louis Casiano] reports just days after President Trump said his administration was prepared to "build a Human Wall if necessary" to protect the nation from illegal immigration, a group of his supporters in New Mexico joined hands along the U.S.-Mexico border in support of the construction of a border wall. Waving American flags and holding handmade signs, advocates for tougher border security formed a human shield along the partially fenced border at Sunland Park, N.M., just across the line from Ciudad Juarez in Mexico's Chihuahua state. Trump cited "tremendous numbers" of people entering the U.S. through Mexico as the reason for his "human wall" pledge in a Tuesday tweet. Last Sunday, the Pentagon announced nearly 4,000 additional active duty troops will be deployed to the U.S.-Mexico border. Congress has wrangled over Trump's demand for \$5.7 billion to construct a border wall. The impasse led to a 35-day partial government shutdown. Congress is reportedly nearing a deal that would include far less money for the wall – about



\$1.6 billion. But whether Trump would accept the plan, which would also avoid another government shutdown, is unknown.

### **Family Separations Continue in Homeland Security 'Grey Area' Despite Ban**

[KQED](#) [2/9/2019 3:50 PM, Katie Tandy, CA] reports that hundreds of migrant children have been separated from their parents at the border even after a federal judge ordered the Trump administration to stop family separation last June. On Thursday, a congressional oversight hearing — the first of its kind to examine the Trump administration in regards to immigration — looked into why these separations are still happening. The hearing comes on the heels of a watchdog report issued by the U.S. Department of Health and Human Services, which found administration officials will likely never know the exact number of families separated, but according to the Department of Health and Human Services in June, there were more than 2,700 children in its care. Thousands more children may have been separated during an influx that began in 2017 prior to the accounting required by the court however, the report continued. The report states that because the Department of Homeland Security continues to provide the Office of Refugee Resettlement with "limited information about the reasons for these separations," this may impede the ORR's ability to determine placements and continue to impact the accuracy of data surrounding separated children. There are at least 200 children that have been taken since the judge issued the ban and while there are a handful of cases marked by criminal history, the criteria the Department of Homeland Security is using to justify these separations is unclear. The continued family separations are functioning in a legal loophole which allows for exceptions when immigration officials believe a parent poses a danger to a child, a policy that previous administrations have sometimes also used to separate children from their families for their protection. But as the House oversight committee learned, federal law doesn't define what makes a parent a threat. [Editorial note: consult source link for audio]

### **Watch: Whitaker Admits DOJ Didn't Track Children Separated From Parents, Gets Asked, 'Do You Understand the Magnitude of That?'**

[Newsweek](#) [2/8/2019 3:36 PM, Jessica Kwong, 2656K] reports Acting Attorney General Matt Whitaker in his testimony Friday admitted that the Department of Justice, of which he is temporarily in charge, did not keep track of children separated from their families at the border with Mexico — and got a fiery rebuke from Democratic Representative Pramila Jayapal. "When parents are prosecuted and sentenced, they are in DOJ custody, correct?" Jayapal asked Whitaker. "Correct, their custody is transferred to the U.S. Marshals," Whitaker replied at the hearing before the House Judiciary Committee. "Do you know what kind of damage has been done to the children and families across this country, children who will never get to see their parents again? Do you understand the magnitude of that?" Jayapal said in an emotionally charged response. Whitaker admitted the Department of Justice did not keep track of children separated from their families at the U.S. border. Whitaker explained: "The responsibility for the arrest, the detention and together with the custody of the children, was handled by DHS and HHS before those people were ever transferred to DOJ custody, to the U.S. Marshals." Democrats have taken aim at Whitaker since he replaced Jeff Sessions, who was forced out as attorney general in November. As acting attorney general, Whitaker has overseen, and criticized, special counsel Robert Mueller's probe into Russian interference and possible collusion with the Trump campaign in the 2016 presidential election. Whitaker had refused to testify without the guarantee that he would not be subpoenaed.



Additional reporting: [Breitbart](#) [2/9/2019 3:01 PM, Penny Starr, 2015K]

**Ocasio-Cortez calls to abolish ICE, says Latinos must be exempt from immigration laws because they are 'Native' to U.S.**

[FOX News](#) [2/8/2019 7:09 AM, Lukas Mikelionis, 9216K] reports New York Democrat Alexandria Ocasio-Cortez on Thursday vowed to defund U.S. Immigrations and Customs Enforcement and said all Latino people must be exempt from immigration laws because they are "native" to U.S. lands as they are descendants of Native people. Ocasio-Cortez made a speech against immigration laws and promised to abolish ICE just before she unveiled her Green New Deal on the same day. "[ICE] do not deserve a dime until they can prove that they are honoring human rights, until they can make a good faith effort to expand and embrace immigrants. Until they can prove good faith to an American ideal, they do not deserve any resources for their radical agenda," Ocasio-Cortez said. "Because we are standing on Native land, and Latino people are descendants of Native people. And we cannot be told and criminalized simply for our identity and our status," she said. "We are a nation and land of laws, not just [one where] some people are subject to laws and others are not," she continued. "Last year, ICE removed a Nazi from Alexandria Ocasio-Cortez's district. Her response: Abolish ICE. This week, MS-13 murdered someone in her district. Her response: Abolish ICE. AOC's calls aren't just endangering her community, they're endangering the entire country," Ronna McDaniel, the chairwoman of the Republican National Committee, wrote in a tweet. President Trump on Tuesday defended the agency against the calls for defunding, saying during the State of the Union address that America "will never abolish our heroes from ICE."

Additional reporting:

[Newsweek](#) [2/8/2019 3:11 PM, Alexandra Hutzler, 2656K]

[FOX News](#) [2/8/2019 6:31 AM, Staff, 9216K]

[The Daily Caller](#) [2/8/2019 12:02 PM, Nick Givas, 867K, DC]

[The Daily Caller](#) [2/8/2019 9:30 AM, Molly Prince, 867K, DC]

[Hot107.9](#) [2/8/2019 3:01 PM, Trent Fitzgerald, 7K, LA]

**DACA still stands, but Congress must act**

[Pasadena Star News](#) [2/8/2019 2:44 PM, Dorothy Leland, 13K, CA] reports as a nation, we are at a pivotal crossroads for immigration policy. As chancellor at the University of California, Merced, I am acutely aware of the impact that federal immigration policy has on the nearly 600 undocumented students on our campus – the highest percentage of enrollment at any UC campus. A compromise that combines permanent protections without harsh restrictions and reasonable border security measures would create a foundation for future immigration reform discussions. More than a year ago, I brought to the public's attention a firsthand and heartfelt perspective of the positive impact DACA students have on my university, our state and the nation. I applaud that decision, the plight of DACA recipients remains urgent, and a legislative solution imperative. As Congress considers permanent solutions to federal immigration policy amid the threat of another federal government shutdown, full and permanent protection for DACA must be included.

**[NY] Sheriff's Office implements new policy after deputy reports man to ICE**

[Ithaca Voice](#) [2/8/2019 1:35 PM, Kelsey O'Connor, 6K, NY] reports after a deputy reported that a Mexican man was in the U.S. illegally to U.S. Immigration and Customs Enforcement,



the Tompkins County Sheriff's Office has put out a clear policy stating deputies may not "stop, question, interrogate, investigate, or arrest" based on actual or suspected immigration status. On Wednesday, Sheriff Derek Osborne said a man, who is believed to be a Mexican national, entered a medical office in Lansing after hours claiming health issues and said he wanted his blood pressure checked. Osborne said he was greeted by a facilities worker who called 911. An ambulance and deputy arrived, and when the deputy was interviewing him, the man was "elusive" about providing his identity and admitted he was in the U.S. illegally and passing through Ithaca from the Bronx, Osborne said. The deputy then contacted ICE and immigration officials came to arrest the man. The arrest Wednesday was one of two this week in Tompkins County, according to ICE. Khaalid Walls, spokesman for ICE, said two "unlawfully present foreign nationals" were arrested by ICE officers this week in Tompkins County. Walls said an investigation is underway and declined to provide any further information about the two people arrested.

**[FL] Florida GOP chair: Ending 'sanctuary' cities 'my top priority'**

[Orlando Sentinel](#) [2/8/2019 2:45 PM, Ana Ceballos, 170K, FL] reports the long-shot efforts by Florida Republicans to ban so-called sanctuary cities in the state may have a better chance this year, as key GOP lawmakers align to push legislation that Gov. Ron DeSantis has promised to sign into state law. At the center of the current effort is Sen. Joe Gruters, the chairman of the Republican Party of Florida, who has made prohibiting local governments from acting as "sanctuaries" for undocumented immigrants a priority this legislative session. Critics of the bill argue efforts to outlaw "sanctuary cities" have more to do with partisanship than with thwarting an existing problem. Currently, there are no counties or cities in Florida that act as "sanctuaries" for undocumented immigrants. His current bill is set for a hearing Monday in the Senate Judiciary Committee, the first of three committee stops. Under the proposed bill, police would be required to honor all requests made by U.S. Immigration and Customs Enforcement to hold undocumented immigrants, even though judges have repeatedly ruled such holds violate a person's constitutional rights. The bill would also allow the governor to remove an elected official from office if they cast a vote in favor of a "sanctuary city" policy.

**[FL] Activists, Lawmakers Aim to Shut Down Miami's Child-Migrant Camp**

[Miami New Times](#) [2/10/2019 9:00 AM, Jerry Iannelli, 66K, FL] reports earlier this year, the federal government announced it was closing a massive camp full of immigrant kids in Tornillo, Texas. Immigrant-rights activists say the camp was a humanitarian nightmare – most of the kids had been sent there after U.S. immigration officials ripped them from their parents in contravention of international law. The federal government would never have closed the Tornillo camp without pressure from activists and lawmakers. Now that it's gone, the very same people plan to focus full-time on the Homestead Temporary Shelter for Unaccompanied Children in Miami-Dade County.

**[TX] Border Patrol rescues 5 in Texas near where caravan waits**

[Washington Post](#) [2/8/2019 5:13 PM, Associated Press] reports the U.S. Border Patrol says its agents rescued five Honduran migrants – including a 1-year-old and a 3-year-old – trying to illegally cross the river separating Mexico from Texas. The rescue occurred at about 8 a.m. Friday in the Rio Grande, between Eagle Pass, Texas, and Piedras Negras, Mexico. A caravan of about 1,600 migrants is waiting in Piedras Negras to try to seek asylum in the U.S. Agency spokesman Rick Pauza says the group of five has no known link to the caravan. Authorities say the adults were struggling against the river current to carry the



children, and that one woman was "nearly swept away." Agents helped pull the migrants out of the water and transported them to safety by boat.

**[NM] Ahead of Trump's El Paso visit, dozens of Americans link hands at the southern border forming a human wall**

[CNN](#) [2/11/2019 4:45 AM, Christina Maxouris] reports that dozens of supporters of President Donald Trump's border security efforts formed a human wall Saturday across a small part of the southern border where there is no fencing. The group gathered near Sunland Park, New Mexico, linking arms and chanting "build a wall," according to CNN affiliate KFOX. Many held up American flags. Some sported "Make America Great Again" hats, and said they were there to show their support for the construction of a wall at the border. The demonstration came just two days before President Donald Trump's visit to El Paso, Texas for a rally on Monday.

**[NV] Metro lobbyist: Las Vegas police will pull back on handing low-level offenders over to ICE**

[Nevada Independent](#) [2/11/2019 2:35 AM, Michelle Rindels, NV] reports that a lobbyist for Las Vegas police says the department is changing its policy so people arrested for low-level offenses are not as easily swept up into the custody of federal immigration enforcement officers. Las Vegas Metropolitan Police Department lobbyist Chuck Callaway told lawmakers on the Assembly Judiciary Committee on Friday that Sheriff Joe Lombardo has directed the jail to implement new procedures related to its 287(g) agreement with Immigration and Customs Enforcement. Under that agreement, Metro officers in the jail screen anyone who is booked to see if Immigration and Customs Enforcement (ICE) wants them and will hold the person past the time he or she might otherwise be bailed out to give ICE time to take custody of the person. Callaway said he was not sure whether the policy has been formalized in writing. He said the department will no longer notify ICE if it has an immigrant who is in jail solely for a low-level traffic or misdemeanor offense and does not have a significant criminal history, or will no longer put a "detainer" on them that involves the jail holding the person for a period of time to allow ICE to pick them up. Assemblyman Edgar Flores told The Nevada Independent he is working on a bill that would set priorities for when jails detain immigrants for ICE through the 287(g) agreement. Callaway said he does not think the change will trigger a "sanctuary" designation in the eyes of the federal government — something that Nevada jurisdictions have feared because of the possibility it would prompt the government to revoke grant money. Although the department screens immigrants once they are in jail, Callaway told the committee that his agency does not do immigration work in the field.

**[OR] Lane County Sheriff's office accused of violating Oregon 'sanctuary' law**

[Register-Guard](#) [2/10/2019 3:43 PM, Christian Hill, 23K, OR] reports more than a dozen community organizations have accused the Lane County Sheriff's Office of violating Oregon's "sanctuary" law, but Sheriff Byron Trapp has denied the allegations and said his office is in full compliance with all laws. The law, enacted in 1987 and affirmed by Oregon voters in November, says law enforcement agencies cannot use personnel, money or equipment for the purpose of detecting or apprehending individuals who are only violating federal immigration laws. In a Feb. 1 letter, the organizations outlined two specific examples that they said shows the sheriff's office is violating the law. One specific concern is the jail notifying U.S. Immigration and Customs Enforcement of the pending release of an individual



whom the federal agency has signaled an intent to take into custody upon release. The other concern is allowing ICE agents access into the jail.

**[CA] Los Angeles officially declares itself a 'city of sanctuary'**

[FOX News](#) [2/9/2019 1:30 PM, Louis Casiano] reports Los Angeles officially declared itself a "sanctuary city" Friday against the backdrop of the Trump administration's tough policies aimed at illegal immigrants. "We declare, for all those who have been under attack in this Trump era, that this city, in this day, in this time, will be a city of sanctuary," City Councilman Gilbert Cedillo said. "It will be a place where people will know that they will be judged by the content of their character and not by the color of their skin, and not by who they choose to love, and not by when they got here. They will be judged by their contributions to our city." The City Council voted 12-2 to approve the non-binding resolution nearly a year and a half after it was first proposed. Other cities like have adopted their own sanctuary city policies. Friday's resolution declares Los Angeles to be a "City of Sanctuary, protecting the human rights of all our residents." The Los Angeles Police Department already has a policy of not allowing immigration agents access to its jails or inmates unless they have a warrant, FOX 11 in Los Angeles reported.

Reported similarly:

[CBS 2 Los Angeles](#) [2/8/2019 12:13 PM, Staff, 147K, CA]

[LAist](#) [2/8/2019 3:10 PM, Ryan Fonseca, 59K, CA]

[ABC7](#) [2/8/2019 9:41 PM, Staff, 5K, CA]

**[CA] California governor to draw down guard troops at border**

[Washington Post](#) [2/11/2019 3:06 AM, Kathleen Ronayne] reports that California Gov. Gavin Newsom plans Monday to withdraw several hundred National Guard troops from the state's southern border with Mexico in defiance of the Trump administration's request for support from border states. About 100 of the 360 troops will remain deployed under California's agreement with the federal government to focus specifically on combating transnational crime such as drug and gun smuggling, Newsom spokesman Nathan Click said. Specifically, they will be tasked with providing intelligence on transnational crime and assist with cargo dock operations and searches of commercial trucks for contraband. Newsom will reassign roughly 110 troops to beef up California's fire preparation efforts ahead of the next wildfire season and expand the guard's counterdrug task force program. The expansion of the counterdrug task force requires approval from the U.S. Department of Defense. The original mission, approved by former California Gov. Jerry Brown, was set to end March 31. The order Newsom plans to send Monday will require the guard to immediately begin withdrawing troops but still give it until the end of March to do so. When Brown, a fellow Democrat, approved the mission in April, he said no California troops would participate in immigration-related activities. He similarly ordered the troops to focus on combating transnational crime.

Reported similarly:

[New York Times](#) [2/11/2019 4:49 AM, Jose A. Del Real, NY]

[FOX News](#) [2/11/2019 5:00 AM, Benjamin Radford]

[NBC News](#) [2/11/2019 3:00 AM, Julia Ainsley and Jacob Soboroff, 4061K]

[Los Angeles Times](#) [2/11/2019 12:00 AM, Jazmine Ulloa and Taryn Luna, 3575K, CA]

[San Francisco Chronicle](#) [2/11/2019 12:05 AM, Alexei Koseff, 337K, CA]



### **[CA] DHS Issues Waiver to 'Expedite' Construction of 12.5 Miles of 'Secondary' Border Wall in San Diego to 'Deter Illegal Crossings'**

[Newsweek](#) [2/8/2019 12:06 PM, Chantal Da Silva, 2656K] reports the Department of Homeland Security issued a waiver on Friday to "expedite" the construction of a 12.5-mile "secondary wall" near the U.S.-Mexico border in San Diego. In a release from the DHS, the department said that Congress has provided Secretary Kirstjen Nielsen with "a number of authorities necessary to carry out the DHS's border security mission." One of those authorities is to "take such actions as may be necessary to install additional physical walls and roads near the United States border to deter illegal crossings in areas of high illegal entry into the United States," the release states, citing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Lawmakers involved in cross-party talks have suggested that they could be close to striking a deal that may include physical barriers at the southern border, but would not include the full \$5.7 billion in funding Trump has long demanded for the construction of his border wall project. If the February 15 deadline passes without a deal, the U.S. is likely to be plunged into yet another shutdown, just weeks after the record-breaking 35-day shutdown that ended last month.

## **Legal News**

### **Trump's 'Remain In Mexico' Policy May Run Afoul Of Fed. Law**

[Law 360](#) [2/8/2019 10:56 PM, Nicole Narea] reports President Donald Trump's policy of returning migrants to Mexico while their asylum claims are being processed directly contravenes the Immigration and Nationality Act and represents a significant departure from previous policy that does not abide by the Administrative Procedure Act's rulemaking requirements, according to legal scholars. The so-called Migrant Protection Protocols, also known as Trump's "Remain in Mexico" policy, unveiled last month mandate that foreign citizens who cross the U.S.-Mexico border who are "not clearly admissible," including those seeking asylum, will be promptly issued a notice to appear for an immigration court hearing, which initiates removal proceedings, and will be pushed back into Mexico. The MPP carves out an exception, however, for those found to have a fear of returning to Mexico that rises to the level of a "reasonable fear." Sarah Paoletti, director of the Transnational Legal Clinic at the University of Pennsylvania Law School, said that under the INA, asylum seekers who present themselves at the border without valid entry documents are subject to the "expedited removal" process, whereby they are granted an interview to determine whether they face "credible fear" of persecution in their home country. If they pass that interview, they are put into removal proceedings in which they are offered a full hearing before an immigration judge as to their eligibility for asylum or, alternatively, withholding of removal consistent with the U.S.'s non-refoulement obligations under international refugee treaties. Stephen Legomsky, a professor at Washington University School of Law, said the administration would have the power to remove anyone who shows up at the border requesting admission, has valid entry documents and is not committing a fraud, but is determined by an immigration officer to be inadmissible on any other independent ground. But as to those subject to expedited removal, the administration is powerless, he said. Legislative attorneys at the Congressional Research Service identified the same concerns in a Feb. 1 report, noting that the statute "does not plainly authorize application of the MPP to one significant group of aliens: those who are subject to 'expedited removal' under the INA." It is not the first time the Trump administration has sought to change immigration law "by fiat, rather than through appropriate legislative channels and rule-making process," she said. She noted that former Attorney General Jeff Sessions had also tried to unilaterally



restrict victims of gang violence and domestic violence from seeking asylum by interjecting in a Board of Immigration Appeals precedential case. Legomsky said the MPP also raises concerns on a policy level, including the safety of the migrants returned to Mexico and their ability to access counsel.

### **3 Cases That Could Boost Immigrants' Access To Counsel**

[Law 360](#) [2/10/2019 8:02 PM, Nicole Narea] reports that immigrants facing deportation are much more likely to succeed in their cases with access to counsel, but there remains a profound crisis of representation in the nation's immigration courts, attorneys said. According to data from Second Circuit Chief Judge Robert Katzmann's Study Group on Immigrant Representation, 63 percent of immigrants do not have counsel in immigration court proceedings. Only 13 percent of asylum-seeking immigrants prevail in their cases without a lawyer, while 74 percent of those with a lawyer see success. Courts have so far rejected the idea that immigrants have a right to counsel under the Constitution's Sixth Amendment. Lisa Graybill, deputy legal director of the Southern Poverty Law Center, said the organization has not traditionally represented individual immigrants directly. The SPLC filed suit in D.C. federal court challenging the conditions in LaSalle Detention Facility in Jena, Louisiana as well as Irwin County Detention Center in Ocilla, Georgia, and Stewart Detention Center in Lumpkin, Georgia, alleging violations of the detainees' Fifth Amendment due process rights, the Administrative Procedure Act and the organization's First Amendment right to represent detainees. The suit seeks to improve conditions in the detention centers that inhibit access to counsel.

A case brought by the Immigrants' Rights Clinic at Stanford Law School and other organizations is also challenging barriers to communicating with counsel but focuses specifically on insufficient telephone access at facilities in southern California, including the Adelanto ICE Processing Center in Adelanto, California, and two Orange County, California, jails. The complaint alleges that, by unlawfully restricted detainees' telephone access, the facilities have hampered their ability to secure counsel and discuss their cases. Identified in court filings as "C.J.L.G.," in 2014, the then-13-year-old Honduran boy had fled Honduras with his mother after resisting recruitment to the international criminal gang MS-13. Immigration authorities apprehended them shortly after their arrival in the U.S. and initiated removal proceedings against them. His mother represented C.J. at immigration court proceedings in Los Angeles, California. The immigration judge consequently denied C.J.'s application. American Civil Liberties Union counsel Ahilan Thevanesan Arulanantham found him took up C.J.'s case. In January 2018, a three-judge Ninth Circuit panel found that neither the Constitution's due process clause nor the Immigration and Nationality Act specify immigrant children's right to public court-appointed counsel. But the full court agreed to take another look at the case, holding oral arguments in December.

### **[MD] Local Police: Md. human traffickers released on bond despite immigration, public safety concerns**

[WJLA](#) [2/8/2019 8:00 PM, Kevin Lewis, 74K, VA] reports three weeks after Maryland Gov. Larry Hogan declared war on human trafficking, two men accused of taking part in the illegal sex trade, were released from jail despite immigration, flight risk and public safety concerns. The case highlights the frustrations shared by multiple law enforcement sources working to eradicate pimps and madams, but finding themselves at the mercy of the judicial system that can often have a more lenient worldview. In August 2018, the Montgomery County Police Department's gang unit conducted an undercover sting at an apartment



building along Garland Avenue in Silver Spring, near Rolling Terrace Elementary School. The officers witnessed various men come and go from the building. Police stopped a number of suspected "johns" as they left the area. All admitted to paying for sex with an unknown woman inside. The following day, police entered the first-floor apartment with a search warrant. Inside they found a man, woman, condoms, lubricants, wipes, lingerie, ledgers, \$1,000 in cash and a small bag of cocaine. The 39-year-old woman — who ABC7 is not identifying — told investigators that she had traveled from New York City to Silver Spring to work as a prostitute. She further claimed to have provided sexual services to 63 clients in less than three days.

In a separate interview room, Roberto Diaz-Mejia, 38, explained he had been living in the apartment for approximately two months. Diaz-Mejia freely stated that a man by the name of Herlan Javier Rosales-Velasquez, 34, would come to the apartment every two days to collect money. Rosales-Velasquez reportedly paid Diaz-Mejia around \$260 a week for his various household services. In court a few days later, the Montgomery County State's Attorney's Office told District Court Judge Karen Ferretti it had a list of concerns about Diaz-Mejia's being released from jail on any sort of bond. In its rebuttal, the public defender's office explained Diaz-Mejia is a native of the Dominican Republic, moved to the U.S. in 1996 and currently holds a resident card. It went on to explain Diaz-Mejia has an eighth-grade education and recently suffered a "serious accident" that impacted his employability. After listening to both sides, Judge Ferretti granted Diaz-Mejia a \$10,000 unsecured personal bond, which allowed the 38-year-old to walk out of jail without putting down any money. In a separate court proceeding, the state's attorney's office told Montgomery County District Court Commissioner A. Onwuzuruike, it did not think it was appropriate to grant Rosales-Velasquez an affordable bond. Yet, Commissioner Onwuzuruike stated that because Rosales-Velasquez was gainfully employed and had no apparent criminal record, she was willing to grant the undocumented immigrant a bond that required he post \$800 for release. He was out of jail hours later. The court system, however, neglected to confirm Rosales-Velasquez's home address prior to his discharge from jail. A Hyattsville address listed in court documents turned out to be invalid. After Commissioner Onwuzuruike's set a nominal, \$800 bond, ICE agents were left scrambling to detain Rosales-Velasquez for fear he might flee. According to ICE, the 34-year-old entered the U.S. in April 2005 without proper documentation. An immigration judge later ordered Rosales-Velasquez be deported, but ICE says for some reason that never happened.

#### **[MD] Woman who successfully sued county sheriff's office released from ICE custody**

[Frederick News-Post](#) [2/8/2019 11:45 AM, Cameron Dodd, 21K, MD] reports U.S. Immigration and Customs Enforcement has released the Frederick woman facing deportation after winning a lawsuit against the county sheriff's office. Roxana Orellana Santos was released on bail Monday, according to the immigration advocacy and legal support group CASA de Maryland. Immigration and Customs Enforcement has sought to deport Santos to El Salvador since Frederick County sheriff's deputies illegally arrested her in 2008. ICE detained Santos in Baltimore in January, but federal judges have since issued orders barring the agency from deporting her until the end of February or further notice. In 2009, Santos filed a lawsuit against the county. She is currently involved in settlement discussions with the county. Her attorneys have said her participation in the mediation is necessary and grounds for her to remain in the country. CASA announced in a social media post Tuesday that Santos was home with her four children. ICE agreed to release her on \$5,000 bail, The Baltimore Sun first reported.



## **[GA] The Incredibly Complicated, Potentially Insurmountable Legal Situation Facing 21 Savage**

[Rolling Stone](#) [2/8/2019 2:31 PM, Elias Leight and Brendan Klinkenberg, 1371K] reports at the beginning of 2019, 21 Savage was the most popular artist in the country: *I Am > I Was*, his most recent album, spent two weeks on top of the Billboard 200. Less than a month later, the rapper, whose real name is She'yaa Bin Abraham-Joseph, is in danger of being kicked out of the country. On Sunday, he was taken into custody by U.S. Immigrations and Customs Enforcement (ICE), which claims Abraham-Joseph, a British national, has long overstayed his visa and thus is eligible for deportation. This swing is singular, even by the eyebrows-permanently-raised standards of modern politics. Abraham-Joseph's rap career was inextricably linked with Atlanta, and hardly any of his fans knew he was born outside the U.S. And while Abraham-Joseph wasn't always known for vocal political statements in interviews, his fame — the great single "A Lot" is Number 26 this week — ensured that his case has become a referendum on the aggressive anti-immigrant policies pursued by ICE under the Trump administration. actual facts surrounding his arrest remain opaque, if not downright contradictory. Adding to the confusion, even lawyers who appear to be on the same side don't always present the same information in the same way or agree on the correct interpretation of past events. In a statement on Tuesday, Abraham-Joseph's lawyers said he applied for a U visa, a status that protects victims of crime and their families, in 2017. (The rapper was shot six times in 2013 during an attack that killed a friend.) A statement on Wednesday from entertainment lawyer Alex Spiro, who was brought on by Jay-Z's Roc Nation as added legal firepower, said that Abraham-Joseph actually applied for the status in 2015 and then reapplied in 2017.

If there's one thing that's crystal clear — and essential to the outcome of the case — it's that Georgia has one of the worst environments for immigrants in the country. "Georgia has been at the forefront of the anti-immigrant crackdown," says Azadeh Shahshahani, who spent seven years as National Security and Immigrants' Rights Project Director for the ACLU of Georgia. "Georgia is on a whole other scale when it comes to devising new ways to punish immigrants." A report co-authored by Shahshahani noted that "the regional ICE office in Atlanta made nearly 80 percent more arrests in the first half of 2017 than it did in the same period the previous year, representing the largest increase of any field office in the country." And when those arrested immigrants appear in front of a judge, their chances of reprieve are slim. "The immigration court itself is one of the worst in the U.S." says Julio Moreno, who practices immigration law in Georgia. "The denial rates here are a lot higher than everywhere else — the asylum denial rate is in the 90s, where the national average is around 45 to 50 percent." That almost certainly means it will be an uphill slog for Abraham-Joseph's team. "The first step in a case like this is an initial custody determination, according to Jeremy McKinney, a North Carolina immigration attorney and national officer of the American Immigration Lawyers Association (AILA). "We know the result: They chose to detain without bond," McKinney says. "But from what 21 Savage's attorneys have said, he is eligible for bond." Even if Abraham-Joseph remains detained, his attorneys can push for a bond motion. "In a bond hearing, an immigration judge is only supposed to be looking at two things," McKinney explains. "Number One, is that person a danger to the community? Number Two, is that person a flight risk?"

Additional reporting:

[New York Times](#) [2/9/2019 1:04 PM, Samuel Getachew]

[TIME](#) [2/8/2019 4:37 PM, Mahita Gajanan]

[NBC News](#) [2/8/2019 1:31 PM, Janelle Griffith, 4061K]



[ThinkProgress](#) [2/9/2019 1:06 PM, Jessica M. Goldstein, 402K]

[Atlanta Journal-Constitution](#) [2/8/2019 7:00 PM, Azadeh Shahshahani, 644K, GA]

[Daily Mail](#) [2/10/2019 12:14 PM, Luke Kenton and Martin Robinson, UK]

### **[MN] Lawsuit Against Nobles County Sheriff Moving Forward**

[KICD AM 1240](#) [2/8/2019 10:32 AM, Staff, 0K, IA] reports a judge has ruled a lawsuit against a Southwest Minnesota county and its Sheriff can move forward over allegations of improper detaining of individuals. We first told you in August of the lawsuit by the American Civil Liberties Union of Minnesota against Nobles County Sheriff Kent Wilkening after he was allegedly found to holding individuals for Immigration and Customs Enforcement which is said to be outside of his legal authority. The ruling given by Judge of District Court Gregory J. Anderson last week granted a request for the ACLU to obtain class action certification consisting of all past and current detainees being held in the Nobles County Jail for immigration reasons.

### **[WA] ICE agents can no longer simply ask Yakima County Jail to put immigration holds on prisoners**

[Yakima Herald](#) [2/8/2019 7:35 PM, Phil Ferolito, 16K, WA] reports that in a settlement, the Yakima County jail has agreed to stop handing local inmates over to U.S. Immigration and Customs Enforcement officers merely at their request. "We think it's pretty significant because a lot of jails across the country have been using these inter-transfer agreements," said attorney Alfredo Gonzalez, who's with Columbia Legal Services in Yakima. The agreement ends a year-long federal lawsuit challenging the jail's practice of placing ICE holds on suspects who were arrested on local charges. After an ICE officer requested an immigration hold on prisoner Antonio Sanchez Ochoa in May 2017, Ochoa said he was denied assistance from a bail bondsman — even though a judge offered him bail. ICE officers routinely review the jail's roster in search of prisoners suspected of violating immigration laws. Ochoa's lawsuit argued that corrections officers lacked arresting authority to enforce a warrant that wasn't signed by a judge, but was merely requested by an ICE officer. Now ICE officers, who have the authority to serve warrants on and detain those suspected of immigration violations, are required to come to the jail and directly serve "administrative warrants" to inmates suspected of immigration violations. Under the agreement, an inmate arrested on local charges would not be denied release unless an ICE officer served the warrant himself or corrections officers receive a warrant signed by a federal judge. Also, ICE holds placed on such inmates are not to be published on the jail's public inmate roster. Yakima County Prosecuting Attorney Joe Brusich in July 2017 told the Yakima Herald-Republic he and other prosecuting attorneys across the state had requested ICE officers use warrants signed by a federal judge. But U.S. district attorneys said it wasn't necessary, according to Brusich.

Reported similarly: [Pacific Northwest Inlander](#) [2/8/2019 2:56 PM, Josh Kelety, 20K, WA]

### **[OR] Judge rules NORCOR can't notify ICE of inmate releases but can house ICE detainees**

[Oregonian](#) [2/9/2019 8:34 PM, Maxine Bernstein, 488K, OR] reports a Wasco County judge ruled Friday that two immigration enforcement practices at the Northern Oregon Regional Corrections Center violate the state's sanctuary law but upheld the jail's contract with U.S. Immigration and Customs Enforcement. The jail in The Dalles houses inmates for Wasco, Hood River, Sherman and Gilliam counties. But under an interagency agreement reached in



1999, it also has housed people detained by ICE on illegal immigration allegations. Wasco County Circuit Judge John Wolf found that the regional jail's past policy of notifying ICE agents of scheduled releases of inmates in state or local criminal cases violated Oregon law that prohibits using state resources to solely detain someone based on an alleged immigration violation. The judge also ruled the jail can't hold inmates for ICE beyond the time that they would face for their criminal charge. Yet the judge didn't nullify the regional jail's contract with the federal immigration enforcement agency.

Reported similarly: [Oregon Public Broadcasting](#) [2/9/2019 12:03 PM, Conrad Wilson, OR]

### **[CA] LA County moves to stop immigration scams**

[KCRW](#) [2/8/2019 12:41 PM, Pablo Peña, CA] reports that when Rafael Tobias Giron went to renew his immigration papers, he didn't think he would be scammed by a notario and imprisoned. In Spanish, the word "notario" refers to a notary public. But it also refers to people who pose as immigration consultants – scammers who exploit vulnerable people for money. Giron came to the U.S. from El Salvador seeking asylum in 1999. He received temporary protected status or TPS which is a designation for asylum seekers. Every two years, Giron has to renew his TPS status, so he went to a man who claimed he could help him. "My TPS wasn't updated. I was having problems with my stay. [The notario] set up an appointment for me," he said. "I went and I filled in my paperwork, but the lawyer I had for papers wasn't a lawyer. He was a lawyer's assistant, I think." He paid several hundred dollars to this supposed assistant to make sure he could stay in the country without any legal problems. "That's when ICE told me to show up," he said. "I [had] the receipt that I renewed my migration papers and that I had paid the lawyer. ICE didn't believe me." As a result, Giron spent a month and ten days at Adelanto detention center near Victorville.

According to the LA county Office of Consumer and Business affairs, about 80 complaints were filed against fraudulent immigration consultants or "notarios" in 2014. In 2018, there were 260 complaints, more than three times as many as four years ago. The LA County Board of Supervisors recently approved a motion with a number of provisions to protect the immigrant community from fraud, including community education, supporting legitimate immigration attorneys, and pushing for legislation at the state level. County Supervisor Hilda Solis authored the motion. She says notarios have been a problem for years. Once Giron's family found a legitimate lawyer, they were able to get friends to write letters to the immigration judge. He was eventually released from the detention center.

## **Enforcement News**

### **Over 100 Transgender People Are in ICE Custody**

[Advocate](#) [2/9/2019 7:05 PM, Daniel Reynolds] reports there are at least 111 "self-identified transgender individuals" in the custody of U.S. Immigration and Customs Enforcement. ICE spokeswoman Danielle Bennett told the Washington Blade that, as of February 4, these individuals are being held in 20 facilities across the United States. Additionally, Bennett confirmed that 45 transgender women are at the South Texas Detention Complex in Pearsall, Texas, a privately run facility outside of San Antonio. Bennett said there are also transgender people still at the Cibola County Correctional Center, a New Mexico facility where Roxsana Hernández — a 33-year-old, HIV-positive transgender woman from Honduras — was housed before dying in May 2018 at a nearby hospital. The privately owned prison has a unit exclusively for trans detainees. Activists said Hernández died of



preventable causes. In a letter to ICE officials following Hernández's death, New Mexico Republicans Tom Udall and Martin Heinrich and California Democrat Kamala Harris called for an explanation. "According to ICE, Lovelace Medical Center preliminarily listed Ms. Hernández's cause of death as cardiac arrest. The Transgender Law Center had an independent autopsy performed that suggested severe complications of dehydration on top of an H.I.V. infection and also suggested that Ms. Hernández was beaten with a baton or similar object while she was restrained by handcuffs," the letter read. Bennett called reports of Hernández's abuse "false" in a previous statement.

The [Washington Blade](#) [2/8/2019 8:04 PM, Michael K. Lavers, 14K, DC] reports that Andrew Lorenzen-Straight, the openly gay deputy assistant director of ICE Enforcement and Removal Operations Custody Programs, defended his agency's treatment of trans, lesbian, gay and bisexual detainees when he spoke with the Blade at ICE headquarters in D.C. on Dec. 18. "LGBTI care is of paramount importance to us," he said.

#### **[MA] 2 Arrested After AK-47 Tossed From Car During Everett Police Chase**

[CBS 4 Boston](#) [2/8/2019 1:25 PM, Staff, 136K, MA] reports police are looking for two men and two others are under arrest after an assault rifle was thrown from a car during a chase. Everett Police say it started late Thursday night when they tried to stop an SUV that didn't have its headlights on. During the pursuit, officers say an AK-47 in a partially zipped gym bag was thrown out the window. The SUV eventually hit a median, blew out the tires and crashed on lower Broadway near the Encore Boston Harbor Casino site. All four men ran off. Investigators say they found two more shotguns in the trunk. Police caught two of the passengers, 30-year-old Rashad Odom and 20-year-old Angelo Guimares, and charged them with multiple counts of firearms violations, including carrying a large capacity weapon without a license and resisting arrest. Guimares was arraigned Friday afternoon and his bail was set at \$1,500. Prosecutors wanted him held, saying he could reach out to the two suspects on the run. He also faces an Immigration and Customs Enforcement (ICE) detention, which means he could end up being sent back to his native Brazil. Odom is being held without bail and will be arraigned at a later date. [Editorial note: consult source link for video]

#### **[CT] Supporters of immigrant rally outside Hartford ICE office**

[Washington Post](#) [2/8/2019 12:51 PM, Dave Collins] reports supporters of a former Fulbright scholar who took sanctuary at a Connecticut church to avoid deportation rallied Friday to call on federal immigration officials to allow him to stay in the U.S. About 50 people gathered in a light rain for a peaceful demonstration outside the federal courthouse in Hartford, where Immigration and Customs Enforcement has an office. Sujitno Sajuti, 70, was ordered by ICE to get on a plane and return to his native Indonesia in October 2017, but instead entered the Unitarian Universalist Church in Meriden. He and his wife have been there ever since. ICE has a policy to not arrest people at certain "sensitive" locations, including churches. Several other immigrants facing deportation have taken sanctuary in churches in Connecticut. ICE officials said in a statement Friday that Sajuti remains an "immigration fugitive" who is evading U.S. immigration law and still faces deportation. "If an immigration fugitive seeks sanctuary at a site categorized by ICE as a sensitive location it may delay, but does not void ICE's authority to enforce a final order of removal against that individual," the statement said.

Reported similarly: [WFSB](#) [2/8/2019 9:56 AM, Rob Polansky, 38K, CT]



### **[NY] MS-13 related murder in Queens**

[NY 1](#) [2/8/2019 4:37 AM, Staff, NY] reports a murder in broad daylight on an elevated subway platform is raising questions about whether the dangerous street gang MS-13 with roots in central America, is gaining a toe-hold in immigrant communities in Queens. A deadly shooting on a busy 7 train platform in Queens was caught on video and also caught the attention of President Trump. He cited the case in his State of the Union address as he argued for his proposed wall along the southern border. The community is divided over how much of a threat gangs in general and MS-13 pose in this immigrant community. The victim in the shooting belonged to the 18<sup>th</sup> Street gang a rival of MS-13. The suspect in the shooting Ramiro Gutierrez is an undocumented immigrant from El Salvador. He was arrested last year on charges of conspiring to commit burglary, but was released on bail. [Editorial note: consult source link for video]

### **[NC] ICE agents in North Carolina arrest hundreds of immigrants**

[Washington Post](#) [2/8/2019 7:05 PM, Associated Press] reports that hundreds of immigrants in the U.S. illegally were arrested this week in North Carolina after some local law agencies stopped cooperating with immigration enforcement, a federal official said Friday. Immigration and Customs Enforcement regional director Sean Gallagher said the arrests resulted from what he termed "the dangerous policies of not cooperating with ICE," The Charlotte Observer reported. "This is politics over public safety at its worst," Gallagher said at a news conference. It's a change, he said, that gave the agency "no choice" but to conduct targeted enforcement operations like the one this week. Gallagher said more such arrests are likely when ICE is restricted from accessing county jails. "If they're in the wrong place at the wrong time, my officers will take an enforcement action," he said. Since December, new sheriffs in Mecklenburg and Wake counties have reversed a policy that notifies ICE about the legal status of inmates in county jails. The Durham County Sheriff's Office also ended the practice of honoring ICE detainees. Charlotte City Council member Braxton Winston said he was threatened with arrest for trying to enter the building without media credentials during the news conference at the Department of Homeland Security office in Charlotte. Winston said he was told by ICE official Robert Alfieri that the arrests represent a "new normal" because Mecklenburg County's new sheriff, Garry McFadden, is not cooperating with federal immigration enforcement.

[Newsweek](#) [2/8/2019 7:51 PM, Scott McDonald, 2656K] reports ICE arrested 27 illegal immigrants Tuesday at Bear Creek Arsenal, a gun manufacturer nearly an hour southwest of Raleigh. Of those, 25 are facing criminal charges and two have been charged with breaking civil immigration laws, according to ICE spokeswoman Carissa Cutrell. "If arrests were made at other locations in North Carolina, they were separate from the criminal investigation and subsequent arrests that took place at Bear Creek Arsenal," Cutrell said.

[WRAL](#) [2/8/2019 5:08 PM, Laura Leslie, 388K, NC] reports the Sanford raid at Bear Creek Arsenal was part of a search warrant executed by the Department of Homeland Security at the business, and 25 people were charged with criminal offenses and two others with immigration violations, ICE spokesman Bryan Cox said. [Editorial note: consult source link for video]

The [Winston-Salem Journal](#) [2/8/2019 6:17 PM, Jenny Drabble, 47K, NC] reports ICE spokesman Bryan Cox said the 200 arrests were on par with the average of 15,000 people they arrest per year, but the arrests have just become more visible, as opposed to picking someone up at a local jail out of the public eye. "When local policies change, it changes the



way we do our arrests. Our officers have to go out and take a person into custody in the street, at a workplace, at their home," he said. "Usually we would go to the local jail. When they refuse to allow us to do so, we have no choice." The Forsyth County Sheriff's Office announced Tuesday that it would no longer detain people suspected of being undocumented immigrants in the Forsyth County Jail, severing their previous contract with ICE.

At a news conference Wednesday, Forsyth County Sheriff Bobby Kimbrough said that sheriff's deputies will continue to enforce the law and arrest people who are charged with criminal offenses — regardless of whether they are U.S. citizens or undocumented immigrants "because I have been sworn to uphold the law." But he said they would not act as an extension of ICE. But Cox said they're just doing their job. ICE held a press conference in Charlotte Friday to explain why things appear to be changing. "When law enforcement agencies release serious criminal offenders onto the streets it undermines ICE's ability to protect public safety and carry out its mission," Cox said. "Of those arrested this week, 50 are convicted criminals, 40 have pending criminal charges and another 50 are fugitives who have already gone before the court and an immigration judge has already ordered them removed." But while there may be more arrests in the community, Cox said they are not arresting more people overall. He said they would prefer to work with the sheriff's offices in the state and are open to renewing relationships with those who have changed their policies, as making public arrests puts ICE officers and the general public at a greater safety risk. "It's safer at a local jail where they've been screened for weapons and officers don't have to knock on doors or pull vehicles over with no idea if there's weapons," Cox said. "We don't want to do immigration enforcement this way."

Reported similarly:

[Sean Hannity](#) [2/8/2019 4:24 PM, Sean Hannity, 70K, NY]

[Charlotte Observer](#) [2/9/2019 1:04 PM, Teo Armus, NC]

[13 WLOS](#) [2/8/2019 11:18 PM, Kimberly King, 51K, NC]

[WXII 12](#) [2/9/2019 10:53 AM, Staff, 31K, NC]

[CBS 17 Raleigh](#) [2/9/2019 2:53 PM, Staff, 24K, NC]

[WWAY](#) [2/8/2019 6:32 AM, Staff, 12K, NC]

[Spectrum News](#) [2/9/2019 7:30 AM, Staff, NC]

[WFAE](#) [2/8/2019 1:46 PM, Nick de la Canal, 11K, NC]

[ABC 11 Raleigh](#) [2/8/2019 1:08 AM, Jonah Kaplan, 4K, NC]

[NEWS14R](#) [2/8/2019 9:02 PM, Staff, NC]

### **[FL] They pushed Trump to close Texas shelter for migrant kids. Their next target—Homestead**

[Miami Herald](#) [2/8/2019 10:07 AM, Monique O. Madan, 535K, FL] reports it had been a few weeks – or months – since the eight teens, all under 17, were detained at the migrant facility whose barracks stand behind a chain-link fence partially framed by barbed wire at the old Air Force base in Homestead. They had sought asylum at the U.S.-Mexico border in Texas, California and Arizona after fleeing from gangs and abject poverty in Central America. Border patrol agents detained them, and flew them cross country to Homestead, where the federal government can hold up to 1,300 children between the ages of 13 and 17. And with the government closing the massive migrant camp in Tornillo, Texas, a few weeks ago, the Trump administration is bulking up Homestead with 1,000 more beds. That's got the attention of immigration advocates and lawmakers, who, buoyed by their success in getting the government to close the Texas camp, are training their sights on shuttering



Homestead. "The use of this temporary status, to bypass regulation, to keep children locked up for long periods of time, far exceeding time period set in the Flores Agreement, is chilling," said Oregon Democratic Sen. Jeff Merkley, who reintroduced a bill this week aimed at closing down centers such as Homestead. ICE was not immediately available for comment from the Miami Herald Thursday. [Editorial note: consult source link for video]

**[OH] Man convicted of crimes in the Tri-State sentenced for illegally reentering the U.S.**

[WCPO](#) [2/8/2019 9:41 AM, Staff, 78K, OH] reports a man previously convicted of aggravated vehicular homicide and aggravated vehicular assault in Hamilton County was sentenced to more than three years in prison for illegal reentry into the U.S. The man has reentered the U.S. illegally at least three times, according to U.S. Attorney Benjamin Glassman. Hamilton police arrested Mexican national Daniel Delangel Villeda, 45, in June, 2018 for operating a vehicle under the influence. Villeda served a five-year prison term for a 2002 conviction in Hamilton County. He was removed from the U.S. after his release from prison in 2006. Police arrested Villeda in Nebraska in late 2010 for operating a vehicle under the influence. He was again removed from the country, but returned for a third time. Villeda was prosecuted in the Southern District of Ohio for illegal reentry and sentenced to 24 months in prison. He was removed from the U.S. in August, 2017. On June 2, 2018, officers in Hamilton arrested Villeda for operating a vehicle under the influence. Officers from U.S. Immigration and Customs Enforcement took Villeda into custody. Friday, U.S. District Judge Timothy S. Black sentenced the man to 42 months in prison for illegally reentering the country.

**[MI] Facing deportation, Mich. student returns to Mideast after fake university sting**

[Detroit News](#) [2/9/2019 11:21 AM, Sarah Rahal, 164K, MI] reports that a Dearborn Heights student has returned to the West Bank after being detained last week in a nationwide sweep connected to a federal sting operation involving a fake university in Oakland County. Najilaa Karim Musarsa, 29, was one of 130 students of the phony University of Farmington who were arrested, a family spokesman said. Musarsa immigrated from the Palestinian territory for educational opportunities, Amer Zahr, a family spokesman and law professor at the University of Detroit Mercy, told The Detroit News. Homeland Security agents tried to entrap people by creating the fake University of Farmington as part of an undercover sting that led to eight recruiters being indicted and at least 130 students nationwide facing deportation, defense attorney John Brusstar said in an interview. It's unclear how Musarsa became involved in the fake university. After her lawyer worked out a voluntary departure, Musarsa departed from Detroit Metro Airport Tuesday and returned to her family's home in the West Bank without anything on her record. The undercover sting, dubbed "Operation Paper Chase," targeted an immigration fraud scheme that involved at least 600 people who collectively paid recruiters more than \$250,000 to stay in the U.S. illegally, according to prosecutors. "She's back in Palestine now with her family ... Unofficially, she's the only one we know of that's been released from custody so far," Zahr said. Six recruiters made initial appearances in federal court in downtown Detroit on Jan. 31.

**[IL] Would new ICE jail affect county?**

[Kankakee Daily Journal](#) [2/9/2019 9:00 AM, David Giuliani, 7K, IL] reports that Kankakee County relies on federal money for jailing immigrants to help make ends meet. It's still unclear whether a company's proposal to build a 1,200-bed immigration jail in nearby Dwight would reduce Kankakee County's income. Village officials in Dwight, which is 30



miles west of Kankakee, have been in talks with Virginia-based Immigration Centers of America about a proposed immigration detention center in town. In late 2016, Kankakee County entered an agreement with Immigration and Customs Enforcement to house immigrants in the Jerome Combs Detention Center. County officials have stressed the importance of their federal contracts in balancing the county's budget. And they have said many detainees have committed crimes in the United States. In an interview, Dwight Mayor Jared Anderson said he has been told that the Dwight center is not expected to have an effect on the Kankakee County jail because the Dwight operation is expected to only house those who have committed immigration violations. However, it's unknown what percentage of Kankakee County's ICE detainees are suspected of crimes and what percentage are there for immigration violations. Both the Kankakee County Sheriff's Office, which runs the jail, and ICE have declined to provide information on the detainees' violations, citing a federal regulation that mandates secrecy. The county gets up to \$1 million every month from its federal contracts, although it's not clear how much of that comes from ICE. Anderson told the Daily Journal that Immigration Centers is expected to pay Dwight \$1 per detainee per day. He estimated that would generate \$273,000 to \$438,000 per year. Anderson said he wouldn't call the center a jail because detainees are expected to have unlocked rooms, access to commissary areas, a gymnasium and an outdoor facility of exercise and sports. Also, he said, there will be no time limits when family can visit.

#### **[TX] Mumps confirmed in 7 detainees at Houston ICE facility**

[Washington Post](#) [2/9/2019 6:21 PM, Associated Press] reports that Houston Health Department officials say seven cases of the mumps in adults have been confirmed at a U.S. Immigration and Customs Enforcement detention facility in Houston. Health officials say there's no evidence the disease was transmitted outside the facility. The health department is working with the facility on infection control. Most people recover from mumps within weeks. Outbreaks are rare but have happened in Texas and the Houston region. The mumps vaccine is part of routine childhood shots. U.S. health officials recommend that by age 6, all children get vaccinated for mumps, measles and rubella.

Reported similarly:

[The Hill](#) [2/10/2019 11:44 AM, Avery Anapol, 3038K]

[Reuters](#) [2/9/2019 6:00 PM, Katharine Jackson]

[USA Today](#) [2/9/2019 4:29 PM, Joel Shannon, 6053K]

[CNN](#) [2/10/2019 1:13 AM, Madeline Holcombe]

[FOX News](#) [2/9/2019 5:49 PM, Paulina Dedaj, 9216K]

[CBS News](#) [2/9/2019 11:40 PM, Staff]

[Newsweek](#) [2/9/2019 7:30 PM, Scott McDonald, 2656K]

[UPI](#) [2/10/2019 11:50 AM, Allen Cone, 303K]

[Laredo Morning Times](#) [2/9/2019 8:36 PM, Todd Ackerman, 59K, TX]

[KTRH](#) [2/9/2019 3:50 PM, John Labus, TX]

[ABC 13](#) [2/10/2019 1:04 AM, Staff, TX]

#### **[TX] ICE threatens hunger striking detainees with immediate deportation**

[ThinkProgress](#) [2/8/2019 11:47 AM, Rebekah Entralgo, 402K] reports nine of roughly a dozen asylum seekers at the El Paso Service Processing Center who are on a hunger strike have been thrown into solitary confinement and threatened with immediate deportation by Immigration and Customs Enforcement. They haven't eaten for 40 days, are rapidly losing weight, and deteriorating in health. "[My clients] told me ICE agents have threatened them



with deportation as early as Friday morning, despite them being in no physical condition to travel," Ruby Kaur, an attorney for two of the hunger strikers, said in a statement. "ICE agents responded that there was nothing that they could do and that they didn't care." "Medical ethics and human rights norms generally prohibit the force feeding of detainees who are competent and capable of rational judgment as to the consequences of refusing food," Human Rights Watch said in a statement urging ICE to immediately stop force-feeding protesters. Force-feeding and solitary confinement abuses aren't the only ways in which ICE induces suffering in its detention centers. According to South Asian Americans Leading Together, the uncle of two Sikh asylum seekers attempted to deposit money into the commissary accounts of three strikers, but the money bounced back. Hunger strikes in immigration detention centers are hardly new, but with the expansion of the detention network under President Trump, immigration activists are concerned they will become more commonplace as abuses continue to rise and go unchecked. According to Freedom For Immigrants, a non-profit focused on dismantling the immigrant detention system, over 1,400 people across 18 immigrant detention facilities have participated in a hunger strike since May 2015.

[Mother Jones](#) [2/9/2019 4:30 PM, Samantha Michaels] reports in a statement, ICE confirmed nine men at the facility were on hunger strike and said medical staffers continue to offer them the option of voluntarily drinking their meal supplements during each meal time. The agency denied it had retaliated against them or put them in isolation. "ICE does not operate 'solitary confinement' in its detention facilities," agency spokeswoman Leticia Zamarripa said. "When necessary, ICE segregates individual ICE detainees in its Special Management Units, which have not been used in the case of the El Paso hunger strikers. The nine individual hunger strikers remain in their barracks area within the El Paso Service Processing Center facility and have access to recreational areas." Advocates connected to the El Paso case say they have not been able to access the federal judge's January order to determine why he authorized the force-feeding of the nine Indian asylum-seekers. Immigration and Customs Enforcement says it seeks these court orders when doctors determine force-feeding is necessary to protect a person's life. "ICE does not retaliate in any way against hunger strikers. ICE explains the negative health effects of not eating to our detainees," the agency told the Associated Press. "For their health and safety, ICE closely monitors the food and water intake of those detainees identified as being on a hunger strike."

[KTSM](#) [2/8/2019 9:45 AM, Krystal Oblinger, TX] reports a group of lawmakers, including El Paso congresswoman Veronica Escobar, are demanding U.S. Immigration and Customs Enforcement put an end to force-feeding its detainees in El Paso. In a letter sent to the ICE Acting Director Ronald Vitiello, 14 lawmakers said: "given that the United Nations recognizes forced-feeding as 'tantamount to cruel, inhuman and degrading treatment' it is critical that ICE commit to ending this practice." The letter also requests information about the cases themselves, ICE policies and procedures in place to protect detainees from retribution for striking. The lawmakers also asked why alternatives to detention are not being used in these cases. Lawmakers are also asking Vitiello to provide daily updates on the hunger strike. They are requesting a meeting to discuss force-feeding and other areas of concern.

Additional reporting: [Houston Chronicle](#) [2/11/2019 12:00 AM, Margaret Brown Vega 199K]

**[NV] Immigrant to be tried on murder charges before other counts**



[Washington Post](#) [2/8/2019 4:11 PM, Scott Sonner] reports a 20-year-old immigrant from El Salvadoran accused of killing four people in Nevada will be tried on four murder counts in Reno before he faces related burglary and other charges in Carson City, prosecutors in the two counties said Friday. Prosecutors said family members of the victims preferred the more serious charges against Wilber Martinez-Guzman be addressed first. As part of the plan, Martinez-Guzman and his public defender agreed to postpone a preliminary hearing that had been scheduled Friday in Carson City on burglary and other counts involving items belonging to some of the victims. He will be extradited to Reno and held without bail while awaiting trial on the murder counts. He has not entered pleas to any of the charges. Federal immigration officials say Martinez-Guzman entered the U.S. illegally but they haven't disclosed when or where. The case has drawn the attention of President Donald Trump, who tweeted shortly after the arrest of Martinez-Guzman that the killings showed the need for his proposed U.S.-Mexico border wall.

Additional reporting: [KTVN](#) [2/8/2019 4:43 PM, Paul Nelson, 20K, NV]

**[CA] Yuba County Jail ICE Detainees to Strike**

[KQED](#) [2/8/2019 10:43 AM, Farida Jhabvala-Romero, 160K, CA] reports that in Marysville, north of Sacramento, migrants are being held at the Yuba County Jail by Immigration and Customs Enforcement. Detainees there are planning a hunger strike to protest what activists say are long-standing problems like inadequate medical care. This comes after recent hunger strikes at ICE facilities in San Diego and El Paso, Texas, where some striking migrants are being force fed.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Tuesday, Feb. 12, 2019**

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## Executive Office for Immigration Review

### [NH] Etty Tham's immigration case to be re-opened

[Foster's Daily Democrat](#) [2/11/2019 5:27 PM, John Doyle, 21K, NH] reports local Indonesian immigrant Etty Tham, recently released from the Strafford County House of Corrections after being confined for several months, is getting a new chance to have her immigration case heard. According to attorney William Hahn of Hahn & Matkov of Boston, who represented Tham throughout her confinement, the Board of Immigration Appeals in



Falls Church, Virginia, granted Tham's motion to reopen her immigration proceedings. This decision, according to Hahn, vacates Tham's order of removal entered in 2003 by the U.S. Immigration Court, and sends her case back to the court, where she can pursue her asylum application.

## **Policy and Legislative News**

### **Negotiators Reach Deal 'in Principle' on Border Security to Avoid Shutdown**

[New York Times](#) [2/12/2019 12:46 AM, Emily Cochran and Glenn Thrush, 20737K] reports House and Senate negotiators on Monday night agreed in principle to provide \$1.375 billion for fencing and other physical barriers at the Mexican border, part of a broader agreement that would stave off another partial government shutdown without funding President Trump's wall. The agreement would allow for 55 miles of new bollard fencing, with some restrictions on location based on community and environmental concerns, according to two congressional aides, who requested anonymity to disclose details of the private negotiations. The deal, which must still pass the House and the Senate, and secure Mr. Trump's signature, came together just before Mr. Trump, framed by banners emblazoned with "Finish the Wall" at an event in El Paso, doubled down on his demands. "We're building the wall anyway," he told the crowd, saying that aides had told him that the negotiators had made progress. The negotiators also agreed to reduce the number of migrants and undocumented immigrants who can be held in detention. Democrats' demand for a limit on how much detention space could be used for unauthorized immigrants arrested within the United States had threatened to derail the negotiations over the weekend, but lawmakers agreed to waive the demand. Instead, lawmakers agreed to adhere to levels, set by a number of detention beds, established in the previous budget. That would fund 40,520 beds, a decrease of about 17 percent from current levels, which Immigration and Customs Enforcement reached in recent months only by surpassing its funding caps. It is expected to be finalized as early as Tuesday, well before the Friday deadline when funding would again lapse for a number of federal agencies. White House officials did not respond to requests for comment about the terms of the agreement, and the president's conservative allies on Monday night were already denouncing the deal. Sean Hannity, a Fox News commentator and a confidant of the president's, called it "a garbage compromise."

### **Why immigration detention beds are the new front in Trump border wall fight**

[Washington Post](#) [2/11/2019 7:08 PM, Nick Miroff, 9763K] reports Democrats opposing President Trump's push for a border wall have launched an attempt to rein in his administration's deportation efforts, proposing a cap on the number of detention beds available for immigration arrests inside the United States. Lawmakers backing the proposal, amid calls by some Democrats to "abolish" U.S. Immigration and Customs Enforcement, say they hope the bed limit would force the agency to refocus its attention on violent criminals while backing off immigrants who lack legal status but have not committed serious offenses. Trump administration officials denounced the proposal on Monday, saying it would hamstring ICE and force the release of thousands of criminals.

Matthew Albence, ICE's deputy director, said he had never seen a proposal for such a cap during his 24-year career. "It would be extremely damaging to public safety," Albence said. Albence told reporters Monday his agency has paid for the additional beds by making the best use of its resources, but noted that ICE has an obligation to enforce immigration laws. A cap on interior enforcement would ask ICE "to ignore the very laws that Congress has



already passed," he said. "We cannot have a system whereby immigration enforcement is only effectuated against individuals once they commit a subsequent crime to their immigration violation," he said. "If they know there is no enforcement arm within the interior of the United States that is out there looking for them, you will continually have that pull factor and you will never secure the border." Albence held a White House conference call hours after senior Trump adviser Stephen Miller had a separate call with the president's surrogates and supporters, telling them the Democrats "Want illegals released" and "Won't fund ICE officers," according to a person who listened to the briefing. ICE relies on a network of government-run and privately operated detention centers to hold immigration violators in custody while awaiting deportation or a court hearing.

John Sandweg, who was acting director of ICE under President Obama and who held other senior positions at the agency, said the debate showed the necessity of devising more sophisticated ways to assess the flight risk of immigration violators that wouldn't require locking them up. Because the U.S. immigration court system prioritizes the cases of those held in custody over those who have been paroled, it can give lawmakers a misleading impression that the only way to ensure someone shows up in court is to keep them jailed. "Detention is not the key to deportation," said Sandweg, adding that immigration violators should be treated more like criminal defendants, with a greater range of cost-effective parole options. Albence said that such alternatives are ineffective. He said 72 percent of immigrants in ICE custody are subject to "mandatory detention" because of serious criminal records, a pending deportation order or some other administrative restriction on their ability to qualify for parole or GPS monitoring.

Reported similarly:

[Washington Post](#) [2/11/2019 6:37 PM, Anna Edgerton and Arit John, 9763K]

[CNN](#) [2/11/2019 4:39 PM, Priscilla Alvarez, 5847K]

**ICE official says Democratic detention cap would create new 'pull factor' at border**

[Washington Examiner](#) [2/11/2019 5:21 PM, Steven Nelson, DC] reports a top official of U.S. Immigration and Customs Enforcement warned Monday that a Democratic effort to limit detentions would create a new "pull factor" for illegal immigration, weakening border security while forcing the release of current inmates. "They are trying to undermine our ability to do interior enforcement," ICE Deputy Director Matt Albence told reporters on a call arranged by the White House. "If [prospective illegal immigrants] know that there is no enforcement officer in the interior of the United States out there looking for them, you will continually have that pull factor and you will never secure the border." The proposed detention cap, pushed by congressional Democrats, has stalled bipartisan talks seeking to avert another partial government shutdown over border policy. A proposed detention limit emerged as a key sticking point this weekend as bipartisan lawmakers discuss border policies following a 35-day shutdown over President Trump's bid for border wall funds. Funding for portions of the government run out Feb. 15, and Trump has threatened to declare a national emergency to build a wall if Democrats don't approve border wall funds. The Trump administration has requested funding for 52,000 detention beds. Albence said that about 20,000 to 22,000 people currently are detained by ICE, but that the administration requested more beds in response to anticipated demand and a desire for flexibility. Democrats reportedly want to cap detentions at 16,500 between enactment of the spending law and the end of fiscal 2019 on Sept. 30 — which Albence said would result in immediate release of inmates. "If we are forced to live within a cap based on interior arrests, we will be immediately forced to release criminal aliens that are sitting in our custody," he



said. "We will be releasing gang members, we will be releasing individuals convicted of crimes of domestic violence and drug crimes, and we will be limited in our ability to respond to state and local law enforcement."

[The White House](#) [2/11/2019 3:41 PM, Staff, 437K] reports the following are excerpts from President Donald Trump: I'm heading out to El Paso, Texas right now. And we are going to do a job. We're going to continue to do what we're doing. I think we've made a lot of progress. We've actually started a big, big portion of wall today in a very important location. And it's going to go up pretty quickly over the next nine months. That whole area will be finished. It's fully funded. Construction, which I know a lot about, has begun. And it's a much better wall, much stronger wall, and a much less expensive wall than we've been building. And we're going to have a lot of wall being built in the last — in the next period of time. I'm with some of the great law enforcement people. A lot of them are friends of mine. I've known them for a long time, and they've been fantastic people. Fantastic men and women. And they know what we're up against. We're up against people who want to allow criminals into our society. I just got this from Homeland Security. And you look at this — thousands of people. Dangerous drugs: 76,000 people. Then you have traffic offenses. That's not so good, but that's — every crime. Assault: 63,000 people. Larceny: 20,000 people. Fraudulent activities: 12,000 people. Burglaries: 12,000 people. These, again, are just a different crime. Robberies — These are the people coming into our country that we are holding and we don't want in our country. And the Democrats want them to go into our country, that's why they don't want to give us what we call "the beds." It's much more complicated than beds. But we call them "the beds."

**Homan Predicts Dems Won't Abolish ICE, But They Will Try to 'Bankrupt' Agency**  
[FOX News](#) [2/11/2019 9:18 AM, Staff] reports that former Acting ICE Director Tom Homan predicted Democrats won't be able to "abolish ICE," as some lawmakers have called for, but they will try to "bankrupt" the agency to render it ineffective. As the clock ticks toward another government shutdown, bipartisan talks over border security funding have reportedly "completely broken down," apparently over Democrats' opposition to the number of ICE detention beds. On "Fox & Friends" Monday, Homan said some Democrats' goal is to take funding and support away so ICE "can't do their job." He said the proposal to limit ICE's ability to house detained illegal immigrants is a "non-starter." He predicted that President Trump will declare a national emergency to access previously appropriated funds for border security, including the wall. "There isn't going to be an agreement. They're so far to the left, they ought to just go home at this point," Homan said. He said that ICE agents put their lives on the line every day, and it's demoralizing for them to see that roughly half of Congress does not support them. "When you hear the talk that Democrats are doing right now, it's hard to go to work every day and put your life on the line knowing that the Democrats don't think illegal immigration's a problem," Homan said. "They're patriots, they put their lives on the line every day to do the right thing for this country, but it's got to be a morale-buster after a while." [Editorial note: consult source link for video]

[The Daily Caller](#) [2/11/2019 1:26 PM, Amber Athey, 867K, DC] reports that Homan claimed on Fox News that 30,000 illegal immigrants would be released from detention if Democrats successfully capped the number of beds at 32,000. ICE deputy director Matthew Albence told WMAL's "Mornings on the Mall" last week that reducing detention beds is a "back door" to abolishing ICE. "You will never have true border security, regardless of how much wall you build, unless you have a strong interior enforcement component," Albence said. "The only effective tool that ensures individuals will be removed when they get ordered to be



removed by an immigration judge is detention." Albence and Homan also scoffed at the notion that ankle monitors, something Democrats have suggested as a replacement for detention beds, are effective at keeping track of illegal border crossers. Homan claimed, for example, that one-third of people with ankle monitors cut them off. "Detention is the only way that we can get removal of these individuals," Albence asserted. "Decreasing the number of beds is a back door way to try to get to the abolish ICE goal."

Reported similarly:

[FOX News](#) [2/11/2019 6:34 AM, Staff, 9216K]

[The Daily Caller](#) [2/11/2019 12:06 PM, Nick Givas, DC]

### **Sheriffs storm Capitol Hill to demand border wall, ICE funding**

[Washington Examiner](#) [2/11/2019 11:25 AM, Paul Bedard, 629K, DC] reports angered with efforts by House and Senate Democrats to cut funding for President Trump's border wall and ICE facilities that hold criminal illegal immigrants, dozens of U.S. sheriffs are storming Capitol Hill Monday to more money to enforce immigration. "We are at wits end on this," said Bristol County, Mass. Sheriff Thomas M. Hodgson. "This really is a catastrophe," he said of the anti-Trump proposal backed by Democrats including Speaker Nancy Pelosi and progressive Rep. Alexandria Ocasio-Cortez. Hodgson is one of 60 key sheriffs meeting with the House Freedom Caucus on the steps of the U.S. Capitol today before hitting individual House and Senate offices to lobby for wall and ICE funding. He spoke to Secrets from the bus transporting him and sheriffs from Arizona, Texas, Massachusetts and Ohio to the Hill. Over the weekend, Secrets reported that two national sheriffs groups, the National Sheriffs' Association and the Major County Sheriffs of America, delivered letters to House and Senate immigration negotiators to warn against Democratic efforts to put a cap on the number of criminal illegal immigrants that can be held by Immigration and Customs Enforcement. The groups said that about 8,300 criminal aliens would have to be immediately released if the cap went into effect.

### **Appeals court sides with Trump in border wall prototype dispute**

[The Hill](#) [2/11/2019 1:57 PM, Lydia Wheeler and Timothy Cama] reports that a California-based federal appeals court on Monday sided with the Trump administration in lawsuits brought by states and environmental groups challenging the U.S. government's authority to expedite construction of barriers along the border with Mexico. The 9th Circuit Court of Appeals in a 2-1 ruling said the Immigration Reform and Immigrant Responsibility Act of 1996 gives the Department of Homeland Security broad authority to construct the border barriers and waive environmental laws in the process. The ruling affirms a district court's decision that allowed the federal government to construct wall "prototypes" and replace 14 miles of primary fencing near San Diego and replace similar fencing along a three-mile strip near Calexico, Calif. The appeals court decision also narrows the path for environmental groups to launch legal challenges to President Trump's proposed border wall.

Reported similarly: [The Recorder](#) [2/11/2019 1:15 PM, Nate Robson, 105K, MA]

### **Immigration groups press for pairing Dreamer benefits with border security**

[The Hill](#) [2/11/2019 12:29 PM, Rafael Bernal] reports that immigration proponents, including more than 50 "Dreamers," are scheduled to converge on Capitol Hill this week to press lawmakers on supporting border security measures paired with protections for immigrants. Dozens of immigrants who arrived in the country illegally as minors will join GOP Reps. Will



Hurd (Texas) and Dan Newhouse (Wash.) at a news conference Wednesday as part of an immigration push that's sponsored by three Koch Network groups — the Libre Initiative, Americans for Prosperity and Freedom Partners — and two immigration advocacy groups, FWD.us and the National Immigration Forum. The five groups have long argued the need for a permanent immigration status solution for Dreamers, saying the periodical status renewals complicate long-term planning. President Trump started to draw down the Obama-era Deferred Action for Childhood Arrivals (DACA) program in September 2017. His order has been tied up in the courts.

### **Separated migrant families demand millions from US agencies**

[Washington Post](#) [2/11/2019 5:59 PM, Nomaan Merchant, TX] reports that eight immigrant families who were separated under Trump administration policy filed claims Monday seeking millions of dollars in damages for what a lawyer called "inexplicable cruelty" that did lasting damage to parents and children. The parents accused immigration officers of taking their children away without giving them information and sometimes mocking them or denying them a chance to say goodbye. One Guatemalan woman alleged that an immigration officer said her 5-year-old son would be taken, then taunted, "Happy Mother's Day." The claims allege that many children remain traumatized even after being reunited with their parents, including a 7-year-old girl who won't sleep without her mother and a 6-year-old boy who is reluctant to eat. Stanton Jones, a lawyer for the families, said the families were entitled to monetary damages because of the government's "inexplicable cruelty." The claims were submitted to the departments of Homeland Security and Health and Human Services under the Federal Tort Claims Act. The act gives government agencies six months to respond before a potential lawsuit, Jones said.

Reported similarly:

[The Hill](#) [2/11/2019 6:31 PM, Chris Mills Rodrigo]

[Washington Times](#) [2/11/2019 4:19 PM, Stephen Dinan, 527K, DC]

[Arizona Republic](#) [2/11/2019 8:28 PM, Daniel González, 695K, AZ]

[Fronteras Desk](#) [2/11/2019 6:41 PM, Matthew Casey, 1K, AZ]

[KQED](#) [2/11/2019 6:40 PM, Amy Taxin, 160K, CA]

### **Sen. Leahy introduces legislation to prevent family separation**

[VT Digger](#) [2/11/2019 11:54 PM, Staff, 18K, VT] reports that Senator Patrick Leahy (D-Vt.) joined Judiciary Committee Ranking Member Dianne Feinstein (D-Calif.) and 40 other Democratic senators to introduce legislation to keep immigrant families together by preventing the Department of Homeland Security from taking children from their parents at the border. The Keep Families Together Act was developed in consultation with child welfare experts to ensure the federal government is acting in the best interest of children. The bill allows immigrant children to be separated from their parents only in the event they are being trafficked or abused by their parents. To provide an additional layer of protection, the bill provides for an immediate review by a superior upon the recommendation to separate, and only after consultation with a child welfare expert.

### **The same data used to protect immigrants could be used to deport them**

[Quartz](#) [2/11/2019 8:00 AM, Brett Solomon] reports that in the U.S., data collection and use is largely without boundary. Because there is no fully functioning, comprehensive federal privacy and data protection regime, data can freely be sold in ways that risk disastrous consequences for real people. Today, human-rights advocates are rightly concerned about



the database originally created for the U.S. "Dreamers" program. To apply for DACA, you were required to submit your personal information to the government. Applicants submitted this information despite privacy concerns, because the objective of the program was explicitly to protect them. When the program was implemented in 2012, Dreamer applicants were assured that their information would be "protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings." The problem is that this promise was made as part of a non-binding Department of Homeland Security policy, and there is no guarantee DHS won't modify that policy in the future, particularly with a new administration. Many human rights advocates fear that because the Trump administration has shown interest in mass deportations, information in government databases could be retained and used to target the Dreamers; the same data they willingly provided to protect their futures could instead be used to target or deport them.

### **Honduran, Nepali immigrants sue to block Trump administration, keep temporary protected status**

[Washington Post](#) [2/11/2019 7:36 PM, Antonio Olivo] reports that immigrant advocates filed a federal lawsuit Monday seeking to block the Trump administration from ending temporary protected status for people who have come to the United States to escape danger in Nepal and Honduras, using the same arguments that led a federal judge to delay the end of similar protections for immigrants from El Salvador, Nicaragua, Haiti and Sudan. In a class-action lawsuit filed in U.S. District Court in Northern California, lawyers for roughly 100,000 Nepali and Honduran immigrants with temporary protected status argued that plans to end the protections were motivated by racial animus, citing a comment President Trump made last year that referred to Haiti and African nations as "shithole countries." Those who have the protection are allowed to live and work in the United States but must seek to renew their status every 18 months. The lawsuit filed Monday aims to shield 15,000 Nepalis, whose protections are set to expire in June, and 85,000 Hondurans, whose protections are set to expire in January.

Reported similarly: [Fortune](#) [2/11/2019 4:22 PM, Renae Reints, 1015K]

### **We went to Mexico Border and Spoke to Trump's Victims—They Have a Right to Be in America | Opinion**

[Newsweek](#) [2/11/2019 9:40 AM, Eleanor Acer and Alyssa Isidoridy, 2656K] reports that last week, the Trump administration began implementing its plan to send asylum seekers back to Mexico to wait for immigration court hearings. In Tijuana, we watched in horror as the U.S. government violated the law by expelling 14 asylum seekers from the San Ysidro port of entry over three days. Asylum-seekers, often identifiable and homeless, are particularly vulnerable to violence from kidnappers, smugglers, traffickers, and other criminals who target people prevented from entering the United States. President Trump depicts asylum seekers as a threat to the lives of Americans. They're victims of violence who are asking only that the United States abide by its own ideals and laws. U.S. law is clear: people who seek refuge at a port of entry have the right to apply for asylum and should not be turned away. The Remain in Mexico scheme, like the asylum ban and other attempts to deny asylum seekers protection, is an attempt to evade laws passed by Congress. The administration claims the scheme "will provide a safer and more orderly process that will discourage individuals from attempting illegal entry." On the contrary, extensive evidence – including a report by the Department of Homeland Security Office of Inspector General – shows that impeding asylum processing at ports of entry pushes people to cross elsewhere.



If safety and order were actually concerns of the Trump Administration, it would enhance the capacity of immigration officers to process asylum-seekers at ports of entry. The administration's clear priority, wall or no wall, is to prevent refugees from receiving protection in the United States.

### **Mexico impresses with new border effort: 'First time that I've seen them do something'**

[Washington Examiner](#) [2/11/2019 2:22 PM, Anna Giaritelli, DC] reports that federal and local officials here are impressed with Mexico's new effort to slow down the rate at which Central American migrants are allowed to cross into Texas. Mexico has opened up a facility in the Mexican border town of Piedras Negras to house and feed migrants while they await to file their U.S. asylum claim. Mexico is also paying for hundreds of federal police to stand guard outside the facility's fence and keep them from crossing into the U.S. — anyone caught trying to break out of the facility gets deported from Mexico. The new effort is making an impression on U.S. officials charged with monitoring the border in Texas. "This is the first time that I've seen them do something," Maverick County Sheriff Tom Schmerber told the Washington Examiner. The South Texas sheriff said people have migrated from Central America and Mexico to the U.S. for years, but only now is Mexico putting its foot down to prevent future caravans, a new immigration phenomenon.

### **[NC] 'ICE Watch' brigade challenging federal agents seeking to detain immigrants in the Triad**

[Winston-Salem Journal](#) [2/11/2019 6:15 PM, Nancy McLaughlin, 47K, NC] reports immigrant rights advocates say they have come up with another way of fighting back at what they see as aggressive tactics by federal immigration officers. College students identifying themselves as Sam and Natalie on Monday recounted for the throng of TV cameras how they approached the man in plain clothes at 5 a.m. outside an apartment complex this weekend, where several SUVs with dark, tinted windows idled nearby. The two students, members of the volunteer "ICE Watch" brigade, had been dispatched after a call to a tip-line set up by immigrant rights groups. The caller indicated that federal agents might be on the grounds looking to pick someone up. They approached the man with their phones recording, asking who he was and if they could see his badge. Caught off-guard, they said, the man walked away and got into one of the vehicles and left. Maybe, they said, the attention thwarted someone being detained by U.S. Immigration and Customs Enforcement officers that day. The head of the federal agency's operations covering North and South Carolina and Georgia said last week that as some of the state's largest counties no longer have cooperation agreements with ICE, it forces officers to go out into communities and to businesses to look for people. "This is not our preferred method of enforcement," ICE spokesman Bryan Cox said after Monday's press conference. "We have to go into the community and workplaces." Cox pointed out that even while officers may have a specific list of people to be arrested, they have the right to detain others during those searches.

### **[FL] Bill that would ban 'sanctuary cities' stalls in Senate committee**

[The Palm Beach Post](#) [2/11/2019 9:03 PM, John Kennedy, 82K, FL] reports that a bill aimed at requiring Florida communities to help enforce federal immigration laws — banning so-called sanctuary cities — stalled in a Senate committee Monday after emotional testimony from a host of opponents. The measure (SB 168) by Sen. Joe Gruters, R-Sarasota, who doubles as Florida Republican Party chair, is expected to be rescheduled. His proposal would require that state and local governments to cooperate with the federal Immigration



and Customs Enforcement when the agency is looking to detain someone in custody on state criminal charges. With such a federal detainer in place, ICE could possibly set in motion action that could lead to an undocumented offender's deportation.

**[AR] LR considers measure to cooperate with feds on illegal immigration**

[FOX16](#) [2/11/2019 3:59 PM, Staff, AR] reports a new resolution set to be considered by Little Rock's city directors next month would pledge cooperation with the federal government to "stem illegal immigration." The measure says in part, "the city will not engage in any program or activity which would require a failure to cooperate to the extent provided by law with any appropriate federal agency that needs to obtain information about citizenship or immigration status of a person in the custody of the city." The resolution includes no explanatory note on its introduction, apart from the reference to the need to comply with the federal law cited. That law requires the sharing of immigration status, if requested. The federal law was passed at President Trump's urging to stop "sanctuary cities." A fact sheet from the Immigration Resource Legal Center emphasizes to local governments that the law does not require certain actions, such as asking someone about immigration status or complying with ICE detainers.

**[NM] More than 300 migrants apprehended by border patrol at Antelope Wells in New Mexico**

[El Paso Times](#) [2/11/2019 3:27 PM, Staff, 15K, TX] reports another large group of migrants are in custody after showing up at a remote border crossing in southwestern New Mexico. U.S. Customs and Border Protection said the 330 Central Americans were apprehended early Monday at the Antelope Wells port of entry, 122 miles west of El Paso, Texas. This marks the second large group to be arrested near the port in less than a week. On Friday, agents arrested 290 Central Americans who entered the country illegally. The latest group arrived as President Donald Trump was preparing to hold a rally in El Paso as the fight over border security and immigration policy looms. [Editorial note: consult source link for video]

**[NV] Metro Police Changing Policy On Jailed Immigrants**

[Nevada Public Radio](#) [2/11/2019 4:23 PM, Staff, 6K, NV] reports police in Las Vegas are changing the policy when it comes to handing low-level offenders over to federal immigration enforcement officers. Las Vegas Metropolitan Police Department lobbyist Chuck Callaway told lawmakers last week Sheriff Joe Lombardo has directed the jail to implement new procedures related to its agreement with Immigration and Customs Enforcement. He said the department will no longer notify ICE if it has an immigrant who is in jail solely for a low-level traffic or misdemeanor offense and does not have a significant criminal history.

**[OR] UO MEChA, community activists protest collaboration between Lane County Sheriff and ICE**

[Oregon Daily Emerald](#) [2/11/2019 4:30 PM, Anakin Welp, 5K, OR] reports that in response to reports of collaboration between the Lane County Sheriff's Office and federal Immigration and Customs Enforcement authorities, several dozen protesters occupied the square outside the sheriff's office last Friday. Lead by student union Movimiento Estudiantil Chicanx de Aztlán of the University of Oregon, the demonstrators demanded an end to the association, which the group says involves LCSO passing inmate information to ICE and literal "back entrance access" to the Lane County Jail for ICE to conduct arrests. UO MEChA political director Yomaira Tarula said the cooperation is a violation of Oregon's



sanctuary state legislation, which restricts the use of state law enforcement resources for federal immigration control. From the advocacy group Innovation Law Lab, the protest effort began after local attorneys spread the word that the sheriff's office was aiding in ICE arrests. A variety of different activist, political and social groups then signed a letter addressed to LCSO calling for the practice to cease. Joel Iboa, coalition coordinator with the immigrants right group Causa Oregon, described the protest as a step in working for trust between law enforcement and the community. A public meeting with county commissioners is planned for Feb. 12, according to Iboa.

**[OR] 'Trust has been broken between the Sheriff's Office and Lane County voters'**

[KVAL](#) [2/11/2019 9:00 PM, Staff, 18K, OR] reports Oregon's Sanctuary Law has been in place for decades. Now, groups across the state say it's not being followed by the Lane County Sheriff's Office. A letter was addressed to Lane County Sheriff Byron Trapp, representing 14 groups across the state who say the Lane County Sheriff's Office is in violation of Oregon's 32-year-old sanctuary law. This law prohibits law enforcement agencies from using personnel, equipment or money to arrest someone if their only crime is being in the U.S. illegally. "Trust is the foundation of good community policing, and trust has been broken between the sheriffs office and Lane County voters," said Joel Iboa, the Coalition Coordinator with Causa Oregon. He says Lane County deputies call immigration and customs enforcement, better known as ICE, when a person of interest to ICE is scheduled for release. He also says ICE agents are allowed to access the jail.

**[CA] California Governor Announces Withdrawal of National Guard Troops From Border Duty**

[New York Times](#) [2/11/2019 3:59 PM, Jose A. Del Real] reports Gov. Gavin Newsom of California announced Monday that he would withdraw nearly 400 of his state's National Guard troops from deployment along the border with Mexico and assign them to other duties. The step to rescind state authorization for the border deployment is a sharp rebuke of President Trump's continued warnings that undocumented migrants present a national security risk to the United States. It follows a similar move last week by Gov. Michelle Lujan Grisham of New Mexico. Under a "general order" that Mr. Newsom plans to sign, 110 California National Guard troops will be redirected to support the state's central fire agency, Cal Fire, and another 100 will work on statewide "intelligence operations" aimed at international criminal drug gangs.

Reported similarly:

[Washington Post](#) [2/11/2019 11:08 AM, Lindsey Bever]

[Politico](#) [2/11/2019 5:01 AM, Jeremy B. White]

[NPR](#) [2/11/2019 9:44 AM, Ben Adler]

[UPI](#) [2/11/2019 7:04 AM, Nicholas Sakelaris, 303K]

**[CA] State Senate Votes \$5 Million for San Diego Nonprofits to Assist Migrants**

[Times of San Diego](#) [2/11/2019 11:29 PM, Chris Jennewein, CA] reports that the state Senate approved \$5 million Monday to support nonprofit organizations helping asylum-seeking families released by Immigration and Customs Enforcement on the streets of San Diego. "The federal government has abandoned its responsibility to provide basic assistance to vulnerable families who are in our country legally and have been approved for asylum proceedings -- instead dumping them on the streets of San Diego with nowhere to turn for help," said Senate President pro Tempore Toni Atkins. The funding, included in the



omnibus Assembly Bill 72, was proposed as part of Gov. Gavin Newsom's draft budget for the 2019-20 fiscal year, which includes an additional \$20 million spread over the next three years for immigration or human-trafficking emergency situations when federal funding is not available.

### **[CA] University Actually Puts Student Protesters In Their Place After Demands To Cut Ties With ICE**

[Daily Wire](#) [2/11/2019 4:05 PM, Ashe Schow, 996K, CA] reports Johns Hopkins University is standing firm in its ongoing commitment to train Immigration and Customs Enforcement agents despite protest from its student population. Last Wednesday, JHU students protested the university's continued ties with ICE by walking out of class and demanding the school stop its programs to help the agency. The university has, for years, contracted with ICE to train agents mainly through its medical school. Students have now staged four such protests, according to Campus Reform. The protest gained more than 2,000 signatures, but failed to sway the school's administration. JHU President Ronald Daniels refused to give in to the protesters' demands. Karen Lancaster, assistant vice president for external relations, told Campus Reform that "Johns Hopkins University respects and appreciates student and faculty efforts to engage in dialogue and debate on significant national policy issues, including the current discussion on immigration topics." Lancaster also told Campus Reform that the school stands by its training of ICE agents. "We believe that these programs serve the public interest by providing quality education and emergency medical training that ultimately benefit those who interact with the agency," she said.

## **Legal News**

### **Feds Sued Over Latest Plans to End Immigrant Protections**

[Courthouse News Service](#) [2/11/2019 3:59 PM, Helen Christophi, CA] reports citing President Donald Trump's racist immigration policies, immigrants from Honduras and Nepal sued the United States in a federal class action Monday to stop the scheduled deportation of 100,000 Honduran and Nepali immigrants temporarily authorized to live and work in the United States. It is the second class action filed in San Francisco federal court challenging Trump's abrupt decision to cancel temporary protected status, or TPS, for immigrants who face dangerous conditions in their home countries. This past October, the federal judge overseeing the first suit, *Ramos et al. v. Nielsen et al.*, temporarily blocked the administration's decision to terminate TPS for immigrants from El Salvador, Haiti, Nicaragua and Sudan, finding the decision was racially motivated. The case is stayed pending appeal to the Ninth Circuit.

### **[TN] 5th Circ. Finds Details Matter In Drug Arrest Deportation Case**

[Law360](#) [2/11/2019 10:51 PM, Todd Hutchinson] reports that the Fifth Circuit on Monday affirmed a Board of Immigration Appeals decision that a Mexican citizen with permanent residence status can be deported despite only being convicted of having a small amount of marijuana because the specific circumstances of her arrest showed she actually possessed nearly 55 pounds of the drug. Maria Sylvia Cardoso de Flores had appealed the BIA's finding, saying she shouldn't be deported because she was only convicted for possessing a small amount of marijuana for personal use. "We conclude that the BIA reasonably interpreted the personal-use exception to require a circumstance-specific approach," the panel wrote. Flores had argued that she was convicted of simple possession under



Tennessee law and the BIA shouldn't have looked at the circumstances involving her conviction, according to the panel's decision. In 2000, Flores was arrested in Tennessee after authorities found her in a car carrying 54.6 pounds of marijuana. She was indicted of possession with the intent to sell more than 4,536 grams of marijuana. Flores pled guilty to the lesser offense of possession of a controlled substance. In 2010, the U.S. Department of Homeland Security issued Flores a notice to appear alleging she could be deported under the Immigration and Nationality Act because of her Tennessee conviction. An immigration judge ruled that the personal-use exception didn't apply in her case because her possession charge involved 54.6 pounds of marijuana. Flores appealed to the BIA and then to the Fifth Circuit.

**[OH] U.S. Scammers Threaten International Students With Deportation, FBI Passport Fraud Charges, School Says**

[Newsweek](#) [2/11/2019 3:35 PM, Benjamin Fearnow, 2656K] reports Miami University student in Ohio reports being the latest victim of nationwide scams in which international students are threatened with deportation if they don't transfer thousands of dollars to illicit solicitors. The international student from China contacted local Oxford Police in Ohio last month about transferring \$54,000 after receiving aggressive calls and video chats from people claiming to be at the Chinese embassy in New York. The student said the scammers were claiming to investigate him for committing international fraud and had threatened to inform the FBI should he not comply, an Oxford Police spokesperson confirmed to Newsweek Monday. Miami University school officials told Newsweek they were aware of the deportation scam and said similar threatening calls to international students are "happening across the country." The scammers were claiming to be officials from the Department of Homeland Security or U.S. Immigration and Customs Enforcement. DHS did not immediately respond to Newsweek's request for comment.

**[WI] Fatal crash puts Milwaukee man on track for deportation to Belarus where he says he was persecuted for being a Jew**

[Milwaukee Journal Sentinel](#) [2/12/2019 5:00 AM, Bruce Vielmetti, WI] reports that Alexsey Ruderman left his native Belarus at age 19 trying to escape the persecution he says he suffered for being a Jew by neo-Nazis and pro-Russia advocates. Under the Lautenberg Amendment, a law that makes immigration easier for certain former Soviet Union nationals, he came to the U.S. in 2001. He settled in Milwaukee, got a job and married. But In 2008, he struck and killed a pedestrian while driving drunk. He was sentenced to five years in prison and was released in 2013. But when his work permit was going to expire, immigration officials would not adjust his status and in early 2017, he was arrested and faced deportation. An immigration judge and the Board of Immigration Appeals said Ruderman must leave the U.S. because of his prison term, but the 7th U.S. Circuit Court of Appeals recently ordered the board to reexamine his case under the proper standard. The immigration judge had determined Ruderman was inadmissible because of the traffic homicide and a prior drunken driving conviction, which amounted to two convictions with at least five years' imprisonment. "The immigration judge concluded that Ruderman was statutorily ineligible for a waiver because he did not show that his removal would cause 'extreme hardship' to his U.S.- citizen wife," Judge Amy Barrett wrote for a three-judge panel.

**[WA] County Jail Revises ICE Policy In Settlement With Detainee**



[Law360](#) [2/11/2019 9:38 PM, Staff] reports that Yakima County, Washington, will no longer hold inmates who are eligible for release in prolonged detention in order to transfer them to custody under a settlement agreement with a former detainee. The county agreed Wednesday to refrain from publishing immigration warrants on its online public jail roster, which prevents inmates from posting bail, unless the inmates were originally detained by ICE or were transferred to ICE custody upon release under the appropriate procedures. The county vowed not to prolong the detention of those who are eligible for release on state criminal charges in order to transfer them to ICE custody. "Jails in Yakima County and across the nation cannot deny a person's constitutional right to liberty unless the government has demonstrated probable cause," Alfredo Gonzalez Benitez, an attorney with Columbia Legal Services and counsel for Sanchez Ochoa, said in a statement. "Local law enforcement doesn't need to violate the Constitution and the rights of individuals to make our communities safer."

## **Enforcement News**

### **Threat of U.S. imprisonment won't deter migrant mothers protecting their children**

[Baltimore Sun](#) [2/11/2019 8:05 AM, Meg Hobbins, 413K, MD] reports that three weeks ago I traveled to Dilley, Texas, to assist the hundreds of migrant mothers and young children detained at the South Texas Family Residential Center. The possibility of being imprisoned by the U.S. government did not deter these mothers from El Salvador, Honduras and Guatemala, who are fleeing unrelenting violence from gangs, narcotics traffickers and their own abusive spouses. Even the most vicious deterrence policy — family separation comes to mind — cannot stop genuine refugees from seeking protection. The Trump administration's latest deterrence effort forces asylum seekers to remain in Mexico with limited or no access to counsel while immigration judges in the U.S. adjudicate their cases. This policy is an egregious derogation of our obligations to asylum seekers under U.S. and international law. The only way to stem the flow of people fleeing persecution is to stop the persecution. We should be partnering with Mexico — not to warehouse asylum seekers but to promote economic development, to invest in anti-corruption efforts and to bolster government protections against violence and organized crime. This is not a far-flung fantasy. Engagement efforts are growing. But they need a groundswell of support and then time to make an impact. Until that happens, the U.S. government is legally and morally obligated to provide a fair, safe process to all asylum seekers here.

### **'I can't find any peace here': Raised in the U.S. and deported to Cambodia, refugees struggle to build a new life**

[NBC News](#) [2/11/2019 6:28 AM, Agnes Constante, 4061K] reports that every day, Sothy Kum wakes up at 6:30 a.m. to talk to his wife and their 2-year-old daughter in Wisconsin, more than 8,000 miles away from his condo in Cambodia, where he's lived for the past nine months. Kum is one of 126 people who were deported from the U.S. to Cambodia in 2018. According to Bill Herod, spokesman for the Khmer Vulnerability Aid Organization, it's a record for any single year since deportations to Cambodia began in 2002, when the two countries signed a repatriation agreement that opened the pathway for refugees to be sent back to Cambodia. There are several possible reasons for the rise in deportations. One is that the U.S. has pressured Cambodia to take in the refugees who are being deported. The number of deportees has also been driven by the Trump administration's crackdown on illegal immigration generally. In fiscal year 2018, tens of thousands more immigrants were arrested and deported by Immigration and Customs Enforcement's Enforcement and



Removal Operations, which focuses on immigrants who have been living in the country, compared to fiscal year 2016, according to an ICE report. Many of the recently deported Cambodian refugees had been in America for decades and were booted for committing minor crimes – in Kum's case, marijuana possession with intent to distribute, for which he served one-year sentence.

### **Top Democrat protests ICE arrest of rapper 21 Savage**

[Washington Times](#) [2/11/2019 5:35 PM, Stephen Dinan, 527K, DC] reports that a key House Democrat on Monday complained about immigration officers' arrest last week of an Atlanta-area rapper who was in the country illegally. Rep. Zoe Lofgren, chair of the House's immigration subcommittee, said She'yaa Bin Abraham-Joseph, who performs under the name 21 Savage, should be released from custody and allowed to pursue a path to citizenship. She questioned whether U.S. Immigration and Customs Enforcement targeted the British national because he released a song complaining about family separations at the border. Ms. Lofgren said she wants to bring Mr. Abraham-Joseph before her subcommittee to give him a platform to tell his story of arrest and detention. Mr. Abraham-Joseph, 26, came to the U.S. on a temporary visa in 2005 with his family. He was a minor at the time. ICE officers arrested him earlier this month and he remained in custody this week.

### **[MA] ICE moves to deport Uber driver accused of sexual assault**

[Boston Herald](#) [2/12/2019 5:24 AM, Staff, 155K, MA] reports a former Uber driver from Holliston charged with sexually assaulting a passenger was taken into custody by ICE agents after pleading not guilty. Bail was set at \$3,000 for Jose Arevalos-Avalos after entering his plea Monday to charges of indecent assault and battery and attempting to pay for sexual conduct. Immigration officials said he is being held and faces deportation. The woman told Ashland police she was getting a ride to work on Friday when her Uber driver offered her \$100 for sex. Police say the 37-year-old Arevalos-Avalos groped the woman after she refused. Uber helped police identify the driver through the woman's Uber app. John Mohan, spokesman for the Boston office for Immigration and Customs Enforcement, said federal agents have already taken Arevalos-Avalos into custody. "On Feb. 11, ICE officers arrested Jose Hector Arevalos-Avalos, 37, an illegally present citizen of El Salvador, in Ashland, Massachusetts, on immigration violations after he was released from local custody on bail. ICE will seek to effect Arevalos-Avalos' removal following resolution of the pending criminal charges against him," Mohan said in a statement. An ICE official said an immigration judge issued Arevalos-Avalos a final order of removal in 2010 following his conviction for possession of cocaine with intent to distribute. He re-entered the country at some point thereafter and in 2013, was convicted of illegal re-entry and sentenced to 13 months in federal prison, the official said.

Reported similarly: [WCVB](#) [2/11/2019 9:15 PM, Staff, 109K, MA]

### **[NY] El Chapo trial: Undocumented immigrant detained, ICE plans to deport**

[USA Today](#) [2/11/2019 9:03 AM, Kevin McCoy, 6053K] reports that in a bizarre incident last week, one visitor at the infamous El Chapo court hearing gave up his personal liberty. Reny Martinez Rivera joined media reporters and spectators in the early-morning line Thursday for the trial of the accused leader of Mexico's Sinaloa drug cartel. He sat in the area reserved for Guzmán's wife, Emma Coronel Aispuro. A Mexican TV reporter noticed and asked about his seat selection. Martinez, speaking in Spanish, said he was from Milan, Italy, and indicated he had ties to Guzmán's family, plus several homes in Mexico. A



courtroom security marshal saw Martinez and ordered him to gather up his belongings and come to the courtroom door. He and other security officers took the visitor to an overflow courtroom. Using Martinez's New York State driver's license, the marshals checked the visitor's identity and found a bench warrant for his arrest, a court spokesman said. They detained him and turned him over to Immigration and Customs Enforcement officers. ICE said Martinez is a citizen of Spain who was in the United States illegally. The agency said he has "an extensive criminal history" here, including "multiple felony convictions." "He is currently in ICE custody pending removal from the U.S.," the agency said in a statement. As a result, Martinez wasn't in the courtroom Thursday when the jury of eight women and four men concluded a fourth day of deliberations without reaching a verdict.

**[NY] Attorneys agree some evidence won't be used in Troy murder case**

[Albany Times Union](#) [2/11/2019 12:22 PM, Kenneth C. Crowe II, 105K, NY] reports the previous dismissal of three rounds of indictments in a double homicide case means evidence considered important more than two years ago, when four men were charged in the killings of two roommates, has no role in the upcoming March 18 murder trial of the lone remaining defendant. The prosecution and defense agreed Monday in Rensselaer County Supreme Court that suppression hearings concerning cell phone records and search warrants issued in 2016 in Virginia didn't have to take place. The evidence doesn't fit the case for alleged murder of a man in 2016 in his Troy apartment. Luis Alfredo Monge Guevara faces murder charges for allegedly killing Jaiver Gomez Bartolon on Oct. 17, 2016, in the apartment he shared with Cristian Gonzalez Hernandez at 1 East Glen Ave. While Guevara will be tried for allegedly killing Bartolon, no one is currently charged with slaying Hernandez in Brunswick. Abelove's office was unable to make charges stick against any of the four defendants. The four defendants and the two deceased victims are undocumented Mexican nationals. Salomon Najera Hernandez pleaded guilty to second-degree burglary Jan. 31. Calixto pleaded guilty in December 2017 to first-degree burglary and second-degree kidnapping, according to court records. Ceresia is scheduled to sentence Calixto to eight years in prison on March 31, and Hernandez to five years on April 2. Abelove did not seek to reindict Salazar, who was handed over to U.S. Immigration and Customs Enforcement for deportation.

**[NY] Illegal immigrant pleads guilty in connection with accidental motel shooting death**

[WNYT](#) [2/11/2019 7:14 PM, Staff, 29K, NY] reports the illegal immigrant who accidentally shot and killed a man who was sleeping in an adjacent Saratoga County motel room pleaded guilty on Monday to criminally negligent homicide and criminal possession of a weapon. Only NewsChannel 13's camera was in court as Daniel Salas-Miranda admitted accidentally firing his gun through the wall of a room at the Crest Inn in Wilton. The illegal alien from Mexico was cleaning his gun when it fired through the wall, then through a refrigerator and into the body of Michael Kornacki. Judge Jim Murphy will sentence Salas-Miranda to 10 years in state prison, then he'll serve another two years in federal prison before he's deported to Mexico.

**[NC] ICE officials call massive raids in North Carolina 'the new normal'**

[ThinkProgress](#) [2/11/2019 12:20 PM, Rebekah Entralgo, 402K, DC] reports immigrant communities in North Carolina were rattled this weekend after Immigration and Customs Enforcement arrested an estimated 200 undocumented immigrants last week. The rural town of Sanford was "like a ghost town" after nearly 30 employees at a manufacturing plant



were taken into custody Tuesday morning as part of an "ongoing criminal investigation." The raid was filmed by 27-year-old local musician Christian Enrique Canales and showed ICE agents checking the identification of anyone trying to leave the property. In east Charlotte, an area that prides itself on its diversity, at least a dozen undocumented immigrants were arrested. Many were pulled over randomly by ICE, told to show proper identification, and subsequently handcuffed, according to local immigrant outreach organization Comunidad Collectivo.

The arrests come as workplace raids have skyrocketed under the Trump administration. ICE officials argued during a press conference that these sweeping raids are what happens when local sheriff's offices don't cooperate with the agency, as a result of sanctuary city policies, which bar such cooperation. There are no official sanctuary cities in North Carolina. "This is the direct conclusion of dangerous policies of not cooperating with ICE," said Sean Gallagher, who oversees the agency's operation in the Carolinas and Georgia. "This forces my officers to go out onto the street to conduct more enforcement." In December, two of the state's most populous counties, Mecklenburg and Wake, ended the 287(g) program, which allowed local deputies to check a federal database to see if any inmates are undocumented. If they are, police hold them until ICE is able to start deportation proceedings.

Reported similarly: [WXII 12](#) [2/11/2019 12:43 PM, Bill O'Neil, 31K, NC]

**[MI] Emails show how fake university in metro Detroit lured students**

[Detroit Free Press](#) [2/11/2019 10:44 AM, Niraj Warikoo, 334K, MI] reports that a foreign student's email exchanges with Ali Milani – who is described in a LinkedIn profile as the president of the University of Farmington – show how the school in Farmington Hills may have lured students to enroll in a fake university set up by The Department of Homeland Security. A federal indictment unsealed Jan. 30 said that the university was produced by federal agents with an investigative division of U.S. Immigration and Customs Enforcement. Undercover investigators with the Department of Homeland Security registered the University of Farmington with the state of Michigan as a university using a fake name. At the request of DHS, a national accreditation agency listed the University of Farmington as being accredited in order to help deceive prospective students. The university was also placed by federal investigators on the website of ICE as a university approved by them under a government program for foreign students known as SEVIS. Out of the 600+ students who were enrolled, 146 have been arrested and detained by ICE on civil immigration charges. All are from India except for Najlaa Karim Musarsa, who is Palestinian. In addition, prosecutors have charged eight people for being recruiters of the students.

On Thursday, four U.S. House Reps, including U.S. House Rep. Brenda Lawrence released a letter they sent to DHS and ICE, expressing "concerns surrounding the recent undercover operation conducted by U.S. Immigration and Customs Enforcement's Homeland Security Investigations. In a statement, ICE spokesman Khaalid Walls said: "ICE remains committed to ensuring its facilities adhere to ICE's detention standards which provide several levels of oversight in order to ensure that residents in ICE custody reside in safe, secure and humane environments."

Reported similarly: [Education News](#) [2/11/2019 6:43 AM, Shuriah Niazi]



**[TX] Border agents just caught one of those illegal immigrant rapists we've been asked to ignore**

[Washington Examiner](#) [2/11/2019 3:03 PM, Eddie Scarry, 629K, DC] reports U.S. Border Patrol agents said Monday that they apprehended a Salvadoran male caught illegal entering the country, and that a background check revealed a prior conviction of child rape in Washington state. The arrest was made Friday, according to border agents in the Rio Grande Valley sector of Texas. During my recent tour there, agents told me that they need more miles of border barrier walls to deter illegal crossings. There were plenty of other criminal aliens caught last week in the same border sector. One was a Mexican man with a previous conviction in Georgia for child molestation, a Honduran man with a record in North Carolina showing a conviction for "Indecent Liberties with Child," and another Honduran male with a Florida record that identified him as a member of the violent MS-13 gang. [Editorial note: consult source link for video]

**[TX] ICE Confirms 6 More Cases Of Mumps In Houston Area Detention Facilities**

[Houston Public Media](#) [2/11/2019 4:02 PM, Elizabeth Trovall, 18K, TX] reports as of Monday morning, a total of 13 U.S. Immigration and Customs Enforcement detainees in the Houston area tested positive for mumps, according to a statement ICE Houston provided to News 88.7. Eight of the cases are at the Contract Detention Facility in North Houston, while the remaining five are at the Joe Corley Detention Facility in Conroe. "Medical professionals have taken the necessary steps to quickly isolate the exposed detainees, provide proper medical care and prevent further spread of the disease," ICE wrote in the statement. Seven cases of mumps among Houston ICE detainees were first reported on Saturday. Though most people recover within weeks from mumps, it is contagious and spreads through coughing and sneezing.

**[TX] Border patrol agents save family from Rio Grande attempting to flee Mexico**

[New York Post](#) [2/11/2019 10:18 PM, Bob Fredericks, 3265K, NY] reports that Border Patrol agents rescued a family trying to enter Texas by crossing the Rio Grande, saving adults and several children from the river. Photos taken from the Mexican side of the river in the town of Piedras Negras show agents in an airboat in the river hauling children and two adults aboard after they were nearly swept away by swift currents. The desperate family, believed to be from Honduras, was then taken into custody Sunday and given medical treatment. Border officials said they saw an abrupt drop-off in illegal crossings during the holiday season -- but the number of Central American migrants arriving in family groups has returned to record levels since then, records show.

**[CA] More than 70 detainees condemn conditions in San Diego immigration facility**

[San Diego Union-Tribune](#) [2/11/2019 4:15 PM, Kate Morrissey, CA] reports that more than 70 people held at Otay Mesa Detention Center while they wait for immigration court hearings have signed a letter decrying conditions at the facility. The letter, written in December, alleges that detainees have experienced medical neglect, safety issues and racism and discrimination, according to Freedom For Immigrants, the group to whom the letter was addressed. The detainees also said that their complaints were not being heard at the facility. An Immigration and Customs Enforcement official said that Otay Mesa Detention Center scored 100 percent for the third time in a row on its annual audit last month. It's not the first time that detainees and the organizations that advocate for them have made such claims about the San Diego facility. A report just last week based on letters sent to a Del Cerro-based group called Detainee Allies between July and November of last year makes



similar allegations. The report calls on California Attorney General Xavier Becerra to review the facility. He's required to release a report to the state legislature about immigration detention conditions in the state by March.

**[CA] Merced area veteran says attorney was 'high' during case that could lead to deportation**

[The Tribune](#) [2/11/2019 5:17 PM, Vikaas Shanker, 51K, CA] reports that a U.S. Navy veteran facing deportation testified last week that his former Merced County attorney, Dominic Falasco, appeared to be "high" on drugs and gave him misleading information that led to his incarceration by U.S. Immigration and Customs Enforcement. Joaquin Antonio Sotelo, a 37-year-old Newman resident, asked Merced County Judge Jeanne Schechter to throw out a 2014 domestic violence conviction, claiming Falasco didn't advise him that he was opening himself to mandatory deportation by ICE by pleading to the case because it included an "aggravated" felony charge.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Wednesday, Feb. 13, 2019**

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## Executive Office for Immigration Review

### The shortage of immigration judges in America

[WSBT](#) [2/12/2019 4:56 PM, Michelle Macaluso, IN] reports Congressional negotiators have reached a tentative border security deal to avert a government shutdown. Most of the discussion has been focused on funding for the wall but one part of the agreement calls for more money to hire immigration judges. Nearly 2000 migrants arrived in a Caravan at the Texas-Mexico border last week. Many who plan to seek asylum. Their requests will add to the growing list of asylum claims in the U.S. The immigration court backlog is at a record high with more than 800,000 pending cases and only about 400 immigration judges to handle to them. "When I open my calendar, every morning, I see that for the next 2 to 3



years, everything is booked up." said Ashley Tabaddor the President of the National Association of Immigration Judges. "Justice delayed means justice denied it's not just one side its justice it's both sides it's both the people who should be gaining the benefits and those who should be removed expeditiously." On average it can take about two years before a migrant goes before an immigration judge. Some do fail to show up for the hearings, but the majority appear. Both Democrats and Republicans support hiring hundreds of more judges to deal with the volume.

### **[NY] Videoconferencing in Immigration Court: High-Tech Solution or Rights Violation?**

[New York Times](#) [2/12/2019 4:56 PM, Christina Goldbaum] reports facing serious overcrowding in immigration courts, federal authorities in New York adopted a high-tech solution last year: Immigrants would be kept in detention centers for their legal proceedings, appearing before judges only by videoconference. Now, a new lawsuit claims that the policy infringes upon immigrants' constitutional rights in a deliberate attempt to speed up and increase deportations. The lawsuit, filed on Tuesday in the Federal District Court in Manhattan, asserted that detained immigrants could not fully communicate with their lawyers and participate in proceedings when their only interaction with immigration court was through video. As a result, the lawsuit said, immigrants who might otherwise be granted the ability to stay in the United States instead could be deported. The suit cited several instances when videoconferencing had harmful effects on immigrants and their hearings. One immigrant spent three extra months in detention because his jail's one videoconferencing line connecting inmates to immigration court had been double booked. Another was afraid to testify about his sexual orientation because Immigration and Customs Enforcement officers at the detention facility where he was being held were listening as he spoke to the court in a video call. ICE has justified videoconferencing as an efficient way to address the backlog at the immigration court on Varick Street in Manhattan.

But the lawsuit said the videoconferencing was "merely pretext for the true reasoning behind the policy — limiting due process, access to the courts and counsel for immigrants in an effort to rush deportations and deport more people." Immigration courts have been overwhelmed by cases for over a decade, but the suit put a spotlight on efforts under the Trump administration to tackle the backlog by speeding up proceedings. The strategy has drawn criticism from immigration lawyers, advocates and judges, who argue that expediting proceedings can rob immigrants of a fair trial. To address overwhelmed dockets, former Attorney General Jeff Sessions announced in April 2017 that the Department of Justice would bring on an additional 125 immigration judges, at least 44 of whom have been hired. Mr. Sessions also imposed policy changes the Justice Department called common-sense reforms to increase the efficiency of immigration courts. But immigration lawyers argued that prioritizing speed has come at the expense of due process. Videoconferencing "does not always paint a complete picture" of a detained immigrant, said Judge Amiena Khan, speaking as the executive vice president of the National Association of Immigration Judges, the judges' union. "Sometimes it's more difficult to interact, to judge eye contact and nonverbal cues like body language," all of which are critical to making determinations about an immigrant's claims, Ms. Khan said.



## Policy and Legislative News

### Lawmakers line up behind bipartisan border deal to avert shutdown, as Trump signals he may sign it

[Washington Post](#) [2/12/2019 9:26 PM, Erica Werner, Sean Sullivan, Damian Paletta and John Wagner] reports the threat of another government shutdown receded Tuesday as lawmakers lined up behind a fragile border security compromise and President Trump predicted that federal agencies would stay open. Trump did not publicly endorse the bipartisan agreement, which offers just a fraction of the money he's sought for a U.S.-Mexico border wall. But with a shutdown deadline looming Friday at midnight, the president suggested he might be able to accept the deal, saying he could take other steps to fund his wall. "Am I happy at first glance? The answer is no, I'm not, I'm not happy," Trump told reporters around midday at the White House, as he met with Cabinet members. "It's not going to do the trick, but I'm adding things to it, and when you add whatever I have to add, it's all going to happen where we're going to build a beautiful, big, strong wall," Trump said. Hours later, after speaking on the phone with Senate Appropriations Committee Chairman Richard C. Shelby (R-Ala.), Trump offered a more positive take. He praised Shelby in a tweet as "hard working," welcomed increased border security spending in the deal apart from the wall and wrote, "Regardless of Wall money, it is being built as we speak!"

The [New York Times](#) [2/12/2019 3:30 PM, Peter Baker and Glenn Thrush] reports that the agreement includes a provision that could give the Trump administration broad discretion to increase the number of slots to shelter detained migrants, a win for Republicans that could ease the sting of Mr. Trump's failure to secure full funding for his border wall. On its face, Monday's agreement, which still requires passage by both houses of Congress and approval by the president, authorizes the Department of Homeland Security to fund about 40,000 detention "beds," many of them in facilities run by for-profit companies and Immigration and Customs Enforcement itself near the border in Texas, Arizona and California.

[Politico](#) [2/12/2019 2:37 PM, Ted Hesson] reports that Democrats had previously sought to cap detention funding to Immigration and Customs Enforcement, as the agency continues to detain more immigrants under Trump. Matthew Albence, a top ICE official, told reporters Monday that if Congress limited detention levels, the agency would "immediately be forced to release criminal aliens."

Additional reporting:

[Washington Post](#) [2/12/2019 3:30 PM, Staff]

[Washington Post](#) [2/12/2019 3:04 PM, Associated Press]

[Washington Post](#) [2/12/2019 9:00 AM, Aaron Blake, 9763K]

[Washington Post](#) [2/12/2019 10:49 AM, Greg Sargent, 9763K]

[Wall Street Journal](#) [2/12/2019 3:47 PM, Rebecca Ballhaus and Kristina Peterson]

[Politico](#) [2/12/2019 11:10 AM, Burgess Everett, John Bresnahan and Heather Cagle]

[Politico](#) [2/12/2019 10:00 AM, Ryan McCrimmon, 2577K]

[Bloomberg](#) [2/12/2019 4:05 PM, Steven T. Dennis, Laura Litvan and Erik Wasson]

[Huffington Post](#) [2/12/2019 1:06 PM, S.V. Date]

[The Hill](#) [2/12/2019 12:14 PM, Jordan Fabian, 3038K]

[The Hill](#) [2/12/2019 10:37 AM, Michael Burke]

[The Hill](#) [2/12/2019 6:52 PM, Alexander Bolton and Scott Wong, 3038K]



[CNN](#) [2/12/2019 10:21 AM, Phil Mattingly]  
[CNN](#) [2/12/2019 4:20 PM, Ted Barrett, Manu Raju, Phil Mattingly and Lauren Fox]  
[NBC News](#) [2/12/2019 12:49 PM, Dartunorro Clark, Allan Smith and Hallie Jackson, 4061K]  
[FOX News](#) [2/12/2019 1:26 PM, Andrew O'Reilly]  
[FOX News](#) [2/12/2019 10:02 AM, Sean Hannity]  
[NPR](#) [2/12/2019 4:29 PM, Susan Davis, 4491K]  
[USA Today](#) [2/12/2019 3:16 PM, Michael Collins, Eliza Collins and David Jackson]  
[Vox](#) [2/12/2019 11:00 AM, Dara Lind]  
[Associated Press](#) [2/12/2019 2:32 PM, Andrew Taylor and Alan Fram]  
[Reuters](#) [2/12/2019 7:17 AM, Susan Cornwell and Richard Cowan]  
[The Daily Caller](#) [2/12/2019 12:10 PM, Amber Athey, DC]  
[The Daily Caller](#) [2/12/2019 12:51 PM, Jason Hopkins, 867K, DC]  
[Washington Examiner](#) [2/12/2019 12:56 PM, Steven Nelson, 629K, DC]  
[Washington Examiner](#) [2/12/2019 1:34 PM, Paul Conner, 629K, DC]  
[Washington Times](#) [2/12/2019 10:24 AM, Stephen Dinan, 527K, DC]  
[Washington Times](#) [2/12/2019 3:08 PM, David Sherfinski and Stephen Dinan, 527K, DC]

### **GOP/Dem Deal Keeps Catch and Release for Thousands of Illegal Aliens**

[Breitbart](#) [2/12/2019 6:37 PM, John Binder, 2015K] reports the Republican and Democrat lawmakers' deal includes about \$1.3 billion in border wall funding – a fraction of the \$5.7 billion that President Trump had requested – that can only be used in certain areas of the southern border and must be the bollard fencing that the Bush and Obama administrations previously deployed. The funding will add 55 miles of new barriers at the border. The deal keeps the amount of detention space that federal immigration officials need to detain illegal aliens and border crossers at about current levels. As of today, Immigration and Customs Enforcement is only funded for about 40,250 beds in detention centers. Due to the massive number of illegal aliens in the U.S. – around 12 to 22 million – and roughly 1,300 new border crossers coming to the country every day, ICE officials have had to routinely exceed this 40,250 bed limit. The Republican-Democrat deal, by keeping detention space at essentially the same level, allows for the Catch and Release program – whereby illegal aliens and border crossers are released into the interior of the country due to a lack of space – to remain at the same pace as in 2018.

### **3,000 Sheriffs Oppose Limits on ICE Detention Beds**

[Epoch Times](#) [2/12/2019 2:37 PM, William Patrick, 221K] reports groups representing more than 3,000 sheriffs sent an urgent letter to both House and Senate appropriations committees on Feb. 11 to urge lawmakers not to limit the number of beds at Immigration and Customs Enforcement detention centers. Artificially capping detention beds was a last minute curveball introduced over the weekend by congressional Democrats during funding negotiations for President Donald Trump's long-sought southern border wall. Trump weighed in on the Democrats 11th-hour cap of 16,500 beds, a massive decrease from the roughly 49,000 illegal immigrant detainees currently held in detention facilities as of Feb. 10, according to widely cited ICE data. Ultimately, appropriations committee negotiators reached an agreement "in principle" on Feb. 11, granting only \$1.375 billion of Trump's \$5.7 billion funding request for the border wall, and a cap on ICE detention beds at 40,520-a 17 percent reduction from the 49,000 currently held. According to the sheriff's groups, any reduction in ICE detention capacity creates "dangerous" public safety and national security risks. ICE Deputy Director Matt Albence independently echoed local law enforcement concerns in a conference call with reporters on Feb. 11. The Epoch Times obtained an on-



the-record transcript in which Albence stated that the demand to limit ICE detention efforts is something he had never seen in his 24-year career. "If we are forced to live within a cap based on interior arrests, we will immediately be forced to release criminal aliens that are currently sitting in our custody," he said.

Reported similarly: [Independent Journal Review](#) [2/11/2019 4:44 PM, Madison Dibble, 43K]

**As Trump rallied for border wall Monday, migrant families arrived in record numbers**  
[Washington Post](#) [2/12/2019 5:14 PM, Nick Miroff, 9763K] reports more than 1,800 Central American parents and children crossed the border illegally Monday, the largest number of "family units apprehensions" recorded on a single day by U.S. Customs and Border Protection, Commissioner Kevin McAleenan said Tuesday. The total included two groups of more than 300 people, both of which arrived to CBP's El Paso sector on the same day President Trump held a rally in the city to tout his plans for a border wall. Speaking to a Latin America and Caribbean business association in Florida, McAleenan said all of the more than 1,800 family members who crossed the border Monday arrived unlawfully, between official ports of entry. Homeland Security officials say the Central American families will continue to arrive in large numbers unless they are granted new administrative and legal tools to detain and deport those who don't qualify for asylum protections, including children.

#### **The lawsuits that could block Trump's border wall**

[CNN](#) [2/13/2019 12:00 AM, Priscilla Alvarez, 5847K] reports obtaining funding is only half the fight for President Donald Trump to move forward with his signature border wall, as the administration is expected to meet a slew of legal challenges that will likely draw out the construction of barriers. House Democrats are expected to pursue legal challenges in the event that Trump tries to circumvent Congress through executive action or a national emergency declaration. Similarly, landowners along the border whose property is at risk of being seized to mount physical barriers could file suit. Congressional negotiators have reached an agreement in principle that would include \$1.375 billion for 55 miles of new barriers and a level of 40,520 beds for U.S. Immigration and Customs Enforcement to detain individuals, short of the 52,000 the administration requested. Trump said Tuesday during a Cabinet meeting that he wasn't happy with the current border deal on the table. It's not clear what type of executive action Trump might pursue to gather funds for his border wall, but he's repeatedly teased the possibility of a national emergency declaration.

[Editorial note: consult source link for video]

#### **9th Circuit Sides With Trump Over Border Wall Prototype Process**

[Townhall](#) [2/12/2019 1:00 PM, Cortney O'Brien, 287K] reports the 9th Circuit Court of Appeals has given President Trump their blessing to proceed with his border wall prototypes along the U.S.-Mexico border. The plaintiffs, comprised of several environmental groups, challenged the Department of Homeland Security's supposed authority to waive environmental and public participation laws to speed their border construction projects. The 9th circuit reaffirmed a ruling by a district court judge in California that DHS did have authority to streamline the building of these sections of the wall. The DHS's authority comes under the Immigration Reform and Immigrant Responsibility Act of 1996, the court explained. Their decision was received well by the Trump administration. "Today the court has affirmed that authority, and that is a victory for the Trump administration, for the rule of



law, and above all, for our border security," Justice Department spokesman Steven Stafford told The Hill.

### **U.S. immigration officers' union opposes Trump pick to lead key agency**

[Reuters](#) [2/12/2019 10:32 AM, Sarah N. Lynch] reports that a union representing U.S. immigration and customs agents urged the Senate on Tuesday to block confirmation of President Donald Trump's nominee to head the immigration enforcement agency, citing past racially tinged and controversial comments. The National Immigration and Customs Enforcement Council, which represents more than 7,000 agents, endorsed Trump in the 2016 U.S. presidential election. But it opposes the Republican president's nomination of Ronald Vitiello to head the U.S. Immigration and Customs Enforcement (ICE) agency. A letter from union President Chris Crane to the top Republican and Democrat on the Senate Homeland Security Committee, seen by Reuters, said the nominee's prior offensive tweets demonstrate he "lacks the judgment and professionalism to effectively lead a federal agency."

Vincent Picard, an ICE spokesman, said on Tuesday that the Twitter posts by Vitiello were made from a private account while he was off duty, and that the Office of Special Counsel (OSC) had investigated the matter and cleared him of any wrongdoing. "The National ICE Council's focus on a couple of old tweets that have been investigated and addressed is a disservice to the men and women of ICE," he said, adding that Vitiello has already made a positive impact on ICE during his brief tenure. The Senate committee is scheduled to vote on Wednesday on whether to approve Vitiello's nomination and send it to the full Senate for a confirmation vote. Vitiello, a former top Customs and Border Protection official, was named as ICE's acting director in the summer, shortly after Trump ended a contentious policy of separating immigrant children from their parents at the border. Vitiello could face some opposition from Democrats, particularly after he refused during his confirmation hearing on Nov. 15 to rule out reinstating the child separation policy.

### **'I feel this is my home': Hundreds protest in Washington to support immigrants with temporary protected status**

[Washington Post](#) [2/12/2019 5:54 PM, Marissa J. Lang] reports hundreds of immigrants and their families representing more than a dozen countries and several states gathered Tuesday in Washington to demand that permanent residency be made available to thousands of immigrants who came to the United States fleeing war and disaster. The protest, which began in front of the White House, was part of a series of events organized this week to draw lawmakers' attention to the plight of immigrants granted temporary protected status. Organizers said they wanted Republican and Democratic legislators to meet families that remain in limbo as courts review Trump administration efforts to curtail the program. They were joined by allies and lawmakers, including freshmen Reps. Alexandria Ocasio-Cortez (D-N.Y.) and Ayanna Pressley (D-Mass.), who told those in the crowd they support their efforts to stay in the country where they have built their lives — some for decades. As the Trump administration has sought to tighten immigration and asylum laws, the president ended TPS designation for six of 10 countries in the program: El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan. Of the more than 300,000 people enrolled in the TPS program, a majority hail from those countries. Two days before protesters gathered in Washington, several immigrants from Honduras and Nepal sued the Trump administration, alleging its decision to end the TPS program for six countries was driven by racism. The lawsuit, filed in a federal courthouse in San Francisco, is the latest in



a series of court battles that seek to challenge the administration's decision.

Reported similarly:

[The Hill](#) [2/12/2019 12:43 PM, Rachel Frazin]

[FOX News](#) [2/12/2019 1:26 PM, Liam Quinn]

[Washington Examiner](#) [2/12/2019 1:26 PM, Steven Nelson, DC]

### **Migrants with Mexican work permits feel impact of asylum process**

[KYMA](#) [2/12/2019 6:52 PM, Carmen Valencia, CO] reports that an estimated of fifteen-thousand migrants left Central America in January, now arriving at shelters in San Luis, Rio Colorado. More Central Americans from the second wave of the migrant caravan have started arriving in San Luis, Mexico. And some of them have been granted work permits by the Mexican government, but immigration attorney, Ray Ybarra said this could set back their cases. "On the asylum fear aspect, they could still lose it on relocation because the U.S. government can say Mexico gave you a work permit and you can't prove that you'll be in harm in Mexico," said Ybarra. And because of this, it can also slow down their asylum case. The asylum process is composed of 3 main criteria; the interview process, the credible fear test, and relocation. Migrants with work permits might pass the first two stages but could hit a roadblock when it comes to the relocation. "When you see the immigration judge that's when all the other factors play into a role as well where they can come out and say your fear is credible but Mexico gives you a permit so we can order you removed back to Mexico," said Ybarra.

### **Trump Is Tough on Venezuela – but Won't Let Its Refugees Into the U.S.**

[American Prospect](#) [2/12/2019 9:26 AM, Manuel Madrid, 28K] reports that though they heard President Trump condemn the brutality of the Venezuelan government in his State of the Union speech last week, Venezuelans around the world are in for some disappointment if they expect a warm welcome from his administration. In October and November of last year alone immigration officials deported more than 120 Venezuelan nationals, according to the latest statistics compiled by Syracuse University's Transactional Records Access Clearinghouse. Despite the crisis in Venezuela, immigration judges in the U.S. have denied roughly 50 percent of all asylum applications made by a Venezuelan over the past five fiscal years, according to TRAC. U.S. Citizenship and Immigration Services received more than 20,100 petitions for asylum from Venezuelans from January through September of last year. Many believe that the number of rejections for Venezuelan asylum seekers is likely to rise, thanks to changes to U.S. asylum laws made by the Trump administration.

Last June, former Attorney General Jeff Sessions overturned an Obama-era immigration ruling that allowed certain asylum seekers to gain entry into the U.S. by citing fears of violence by non-state actors. Miami-based attorney Ivan Guerrero says he's witnessed the implications of Sessions' ruling first-hand while representing multiple Venezuelan asylum applicants. A client of his was denied asylum by a judge despite having her life threatened by colectivos, grassroot militant groups known for their attacks on journalists and government critics. The immigration judge, operating on Sessions's ruling, ultimately denied Guerrero's client's claim on the grounds that she could not prove that that the militant group was explicitly government-affiliated.

### **[VT] Police grants held up over federal and state immigration policy spat**



[VT Digger](#) [2/12/2019 11:00 AM, Elizabeth Hewitt, 18K, VT] reports that more than \$2 million in federal law enforcement grants are up in the air while the state and federal government dispute the state's eligibility related to immigration enforcement policies. Vermont hasn't yet received money under two different federal grant programs because of what the Department of Justice says is a compliance issue related to fair and impartial policing policies, according to Vermont State Police spokesperson Adam Silverman. The DOJ is reviewing whether the state is in compliance with a law requiring communication between local and state law enforcement and federal authorities concerning immigration status. The Department of Public Safety is working with the DOJ to "address their questions and assure them that Vermont is in compliance with federal law," Silverman said. The state has applied for annual grants for fiscal years 2017 and 2018 through the Byrne Justice Assistance Grants program but the grants have not yet been awarded.

The DOJ's concerns are related to the Vermont State Police fair and impartial policing policy and the state's model policy, according to Silverman. In November 2017, the DOJ notified 29 jurisdictions across the country that they could lose some federal grant funding because of policies that restrict local and state enforcement of federal civil immigration laws. Public Safety Commissioner Tom Anderson said last year he was confident that the state's policies are in compliance with the federal law. The injunction came after the U.S. Conference of Mayors filed a suit in federal court last August challenging the withholding of Byrne JAG funding. The Vermont attorney general's office is involved in separate efforts contesting the constitutionality of a federal law that blocks jurisdictions from restricting the sharing of information on individuals' immigration status.

**[NY] N.Y. Assemblymembers to feds: Scale back ICE courthouse arrests**

[Albany Times Union](#) [2/12/2019 5:13 PM, Mallory Moench, 105K, NY] reports three dozen Assemblymembers signed a letter urging Department of Homeland Security Secretary Kirstjen Nielsen to scale back U.S. Immigration and Customs Enforcement's arrests in New York state courthouses and elsewhere. A recent report by advocacy organization The Immigrant Defense Project revealed that ICE courthouse arrests in New York have increased 1,700 percent since 2016. The Times Union reported two weeks ago that at least 18 incidents took place in the Capital Region last year. The Feb. 5 letter signed by Assemblywomen Patricia Fahy and Michaelle Solages along with 34 others cited ICE's policy implemented in January 2018 that directed ICE agents to generally avoid arrests in or near courthouses with non-criminal proceedings. It is clear that your agency has chosen to abandon that policy. ICE agents' pattern of aggressive, fear-inducing actions and behavior illustrate this growing issue," the letter read. The politicians urged ICE to add courthouses to the "sensitive locations" list where arrests are prohibited.

**[NY] Homeless shelter security not interacting with immigration agents, officials confirm**

[Brooklyn Daily Eagle](#) [2/12/2019 12:06 PM, David Brand, 7K, NY] reports the Department of Citywide Administrative Services said its special officers, who provide security at homeless shelters and other facilities, have had no interactions with Immigration and Customs Enforcement agents, the agency confirmed to the Brooklyn Eagle. The agency responded to a Freedom of Information Law request filed by the Eagle requesting records of interactions since 2013 between New York City's DCAS and ICE, the federal agency tasked with apprehending and deporting undocumented immigrants. "In response to your Freedom of Information Request, copied below, I can advise you that DCAS Police/Special Officers



have had no interactions with the Department of Homeland Security, U.S. Immigration and Customs Enforcement, or U.S. Customs and Border Patrol during the specified period," said DCAS Senior Counsel Alan Deutsch, the records access officer and open data coordinator. "We therefore have no records responsive to your request." There are no conclusive statistics, but a significant number of undocumented immigrants experience homelessness and reside in shelters, the Progressive reported last year.

**[NC] Alamance sets ICE contract meeting if shutdown not averted**

[Burlington Times-News](#) [2/12/2019 7:05 PM, Isaac Groves, 11K, NC] reports the county commissioners have announced a special meeting at 1 p.m. Thursday, Feb. 14, to review contracts with ICE and the U.S. Marshals Service — unless President Trump approves a compromise on federal spending and avoids another government shutdown. "A partial federal government shutdown has implications that affect agencies, local government and others," commissioners Chair Amy Galey said Tuesday, Feb. 12, in a county news release. "It is important for Alamance County to take the necessary steps to ensure the county's finances are handled appropriately during this time." Having the contract approved before midnight Friday, Feb. 15, the deadline, could increase the county's chances of getting paid. The Sheriff's Office could not get a contract with Immigration and Customs Enforcement signed in January, during the last partial shutdown, while agencies under the U.S. Department of Homeland Security were not funded, Alamance County Sheriff Terry Johnson told the commissioners Jan. 22.

**[FL] Florida Detention Center Expands, Packing In Migrant Children 'Like Sardines'**

[Huffington Post](#) [2/12/2019 5:00 AM, Angelina Chapin] reports that at a detention center in Homestead, Florida, a group of immigrant teens are packed into cold rooms that can hold 70 to 250 kids, given a substandard education and detained for more than six months, according to interviews done by five legal and child psychology experts. On Feb. 6 and 7, the team spoke with roughly two dozen children to assess the Homestead shelter's compliance with the Flores settlement, the 1997 agreement in a landmark lawsuit that outlines child welfare standards in government-run detention centers. They told HuffPost the conditions inside the "temporary" shelter at Homestead are troubling and not suitable for any child, especially over a long period of time. J.J. Mulligan Sepulveda, an immigration lawyer at the University of California, Davis, School of Law who conducted interviews at Homestead, spoke with teens who said they were sleeping in rooms with 150 to more than 200 kids. Mulligan Sepulveda, who also received a tour of the facility, told HuffPost the bunk beds in these large rooms were in "perfect, neat, 12-by-12 rows" and that children were packed in "like sardines." As a temporary shelter, Homestead isn't required to follow Florida's child welfare regulations when it comes to issues such as staff training, education and recreation time, unlike permanent Office of Refugee Resettlement shelters. Neha Desai, the director of immigration at the National Center for Youth Law, says the shelter is "very militaristic" and "highly regimented." Mulligan Sepulveda and Desai said that, though Homestead is designed for short-term stays, they interviewed kids who had been in the shelter for more than six months and who had no idea when they would be released to their sponsors. The Southern Poverty Law Center, the Legal Aid Justice Center and a Washington, D.C.-based law firm recently filed a class-action lawsuit against the Trump administration, in part because of how long it's keeping children detained. The filing describes how the sponsorship process is not transparent, and how case managers have the discretion to prolong the procedure or deny applicants based on subjective criteria.



### **[TX] 100 Caravan Migrants near Texas Border Ask to Return Home**

[Breitbart](#) [2/11/2019 3:59 PM, Ildefonso Ortiz and Brandon Darby, 2015K] reports approximately 100 members of a migrant caravan that reached the border with Texas are asking to return to their home countries, Mexican officials said. After spending more than a week at a shelter in Piedras Negras, nearly 100 migrants are requesting passage home, Mayor Claudio Bres told local news outlets. The group was handed off to federal immigration authorities. At least 19 others were separated after being matched with criminal records, Bres told Zocalo. Coahuila officials bused 1,700 migrants across the state to Piedras Negras. Now close to 2,000 are held at a shelter where they await necessary documentation to contact a port of entry and request asylum in the United States. In response to the caravan, Texas authorities deployed dozens of state troopers who, along with U.S. Border Patrol agents, created a human wall by parking their vehicles in a row.

### **[TX] State of Texas Considers Building Its Own Border Wall**

[Breitbart](#) [2/12/2019 1:24 PM, Bob Price, 2015K] reports two members of the Texas House of Representatives are preparing a bill that would provide \$2.5 billion to fund a border wall. The proposal would take the money from Texas' "Rainy Day Fund." State Representatives Kyle Biedermann and Briscoe Cain are working on legislation to take \$2.5 billion from the Texas Economic Stabilization Fund, also known as the Rain Day Fund, to provide funding to build a border wall along the Texas border with Mexico. The proposal is still in the drafting phase, sources tell Breitbart News, but a bill could be filed soon. A spokesman for Lt. Governor Dan Patrick responded that Governor Patrick does not support using Rainy Day Funds to build a Texas border wall. Instead, the Lt. Governor proposed that Texas invoice the federal government for the billions of dollars the state has already spent and use those receipts to pay for building a wall in Texas. The 2017 Texas Legislature funded approximately \$800 million for border security for the biennium, Breitbart News reported.

### **[WA] Washington bill would limit state assistance to federal immigration enforcement**

[Spokesman-Review](#) [2/12/2019 11:00 PM, Jim Camden, 86K, WA] reports that state and local agencies would be limited in what help they could give to federal agencies trying to enforce civil immigration laws under a bill supporters say is designed to expand new business opportunities for immigrants in Washington. One portion of the bill would set up an 11-member "work group" to develop strategies for more career and business opportunities in Washington. State agencies would provide services without regard to citizenship or immigration status. Another part would limit assistance for civil immigration enforcement – cases that involve people who have entered the country without proper authorization but haven't committed serious crimes – in public schools, government-operated health facilities, courthouses and shelters. It wouldn't allow state funds, personnel or equipment to be used to target residents based on their immigration status. "This bill separates out the state from federal activity," Sen. Lisa Wellman, D-Mercer Island, said. James McMahan, a spokesman for the Washington Association of Sheriffs and Police Chiefs, said the bill would put local law enforcement between opposing forces in an immigration debate that should be decided at the federal level. They generally divide civil and criminal immigration enforcement cases. If immigration status becomes relevant in a criminal matter, they believe they need to preserve their ability to work with federal officials. The committee could vote on whether to approve or amend the bill next week.



## Legal News

### **Gov't Hit With \$36M Damages Claims Over Family Separation**

[Law360](#) [2/12/2019 2:47 PM, Suzanne Monyak] reports six asylum seekers and their children want the federal government to pay \$6 million per family, for a total of \$36 million, in damages for the emotional distress they experienced as a result of the Trump administration's policy to separate families at the southwestern border, according to their attorneys. The American Immigration Council and National Immigrant Justice Center, along with attorneys from Arnold & Porter and Kairys Rudovsky Messing Feinberg & Lin, on Monday filed the administration claims on behalf of the families with the U.S. Department of Homeland Security and U.S. Department of Health and Human Services, detailing the alleged distress and long-term psychological effects inflicted on the families following their separations. The legal claims, copies of which were published by the immigrant rights groups, were filed under the Federal Tort Claims Act, which allows the government to be sued for damages over misconduct by federal officials. The filings say the mothers traveled to the U.S. after fleeing violence in their home countries and were then forcibly separated from their minor children by immigration authorities. Many of the mothers said they were mocked by immigration officers and were kept in the dark regarding the whereabouts of their children. A representative for HHS said the agency has no role in federal immigration enforcement or apprehensions of unaccompanied children at the border and instead focuses on creating a "safe and healthy environment" in shelters and on identifying sponsors for children referred to it who are awaiting decisions on their immigration cases.

Additional reporting: [ABA Journal](#) [2/12/2019 2:41 PM, Lorelei Laird] reports eight immigrant families separated at the border last year under a rescinded Trump administration policy have filed claims for millions in damages, the Associated Press reported Monday. In a claim filed with the Department of Health and Human Services, the first step toward suing the federal government over the Federal Tort Claims Act, the families say government employees misled them and made fun of them while taking their children away. They also say the children remain traumatized months after being reunited with their parents. They are represented by the American Immigration Council—which issued a press release about the claim Monday—the National Immigrant Justice Center and the law firms Arnold & Porter and Kairys, Rudovsky, Messing, Feinberg & Lin. The government began separating immigrant families, largely from Central America, in late 2017 and early 2018. Originally, then-Attorney General Jeff Sessions announced it as a by-product of the Department of Justice's zero tolerance policy for people who cross the border without authorization, which under federal law is a misdemeanor. The families had to be separated to prosecute the parents, authorities said.

### **UN Experts Asks 6th Circ. To Redo Iraqi Deportation Ruling**

[Law360](#) [2/12/2019 4:44 PM, Tiffany Hu] reports current and former United Nations experts on torture have urged the Sixth Circuit to reconsider a panel decision restricting noncitizens' ability to challenge their immigration detention and removal orders in federal court, saying that the panel's disregard for a key principle may have far-reaching consequences for individuals facing deportation. The special rapporteurs on Monday filed an amicus brief supporting the petition for rehearing en banc by a class of Iraqi citizens facing long-standing deportation orders, following a split panel ruling in December that threw out two injunctions pausing the class' removal orders and mandating bond hearings for detainees. Specifically, the panel majority had found that the class's removal claims were not judicially reviewable



because the U.S. Constitution's suspension clause, which protects the writ of habeas corpus, does not apply to certain fear-based claims for deportation relief, known as a withholding of removal or a deferral of removal under the U.N. Convention Against Torture. In their brief, the U.N. experts argued that the panel's December ruling fails to address the "absolute" and "fundamental" principle of non-refoulement, which bars states from deporting individuals to countries where they risk being tortured. In addition, the CAT requires states to carefully review individual cases to determine whether the non-refoulement principle is applicable, which must occur before the individual is ordered deported, they said.

The two contested injunctions were issued as part of a habeas corpus class action petition filed in Michigan federal court by a group of Iraqi citizens who were detained during nationwide immigration sweeps in June 2017. U.S. District Judge Mark A. Goldsmith granted a first preliminary injunction a month later barring the federal government from deporting any Iraqi citizen with an operating order of removal as of June 2017, with a few exceptions. Many of the immigrants had long been on lists for deportation, but Iraq refused to accept them, according to court documents. After the U.S. and Iraq struck a diplomatic deal last year, the deportation gears started to turn. Few of the immigrants had a chance to take action on their cases before U.S. Immigration and Customs Enforcement swept in and detained them, severing their access to legal resources, Judge Goldsmith found. The majority of the Iraqi citizens arrested by ICE during those sweeps are Chaldean Christians who risk torture and persecution if returned to Iraq, according to court filings. The court then entered a second preliminary injunction order in January 2018 ordering the government to release certain detainees on bond unless an immigration judge finds they are a flight risk or a danger to the community. In September, Judge Goldsmith certified the class of Iraqi citizens who had operating orders of removal between March 2017 and June 2017 and who have been or will be detained by ICE.

#### **[CA] L.A. County DA Announces Prosecution of 8 Cases That Cheated Hundreds of Immigrants**

[KTLA](#) [2/12/2019 2:00 PM, Staff, 267K, CA] reports operating with virtual impunity in Los Angeles for years, con artists have long targeted immigrants desperate for expert legal advice, defrauding some of their life savings and only hastening deportations or other personal disasters. But a fledgling fraud unit at the county district attorney's office has been targeting such scammers since 2017, prosecuting eight cases that cheated at least 300 immigrants out of \$3 million, prosecutors announced Tuesday. The con artists tell Spanish-speaking immigrants that they're "notarios" and can help them with their cases, collecting their money while telling them not to worry about important notices from the government. Some victims have been deported as a result of the fraud, including so-called "dreamers," young immigrants brought to the U.S. as children who've been allowed to remain.

#### **[CA] District Attorney Jackie Lacey Lauds New Unit for Immigration Fraud Convictions**

[Pasadena Now](#) [2/12/2019 11:12 AM, Staff, CA] reports Los Angeles County District Attorney Jackie Lacey today lauded the work of the office's Notario Fraud Unit, which is dedicated to prosecuting immigration fraud and the unlawful practice of law. "Our great diversity attracts more than our share of people seeking to manipulate and cheat some of our newest residents out of their hard-earned money," District Attorney Lacey said. "As a result, many of our neighbors may be more likely to become victims of fraud and other financial crimes due to their cultural backgrounds and economic situations." "Everyone –



regardless of their immigration status – deserves to be protected against crime and to receive justice when they have been victimized," District Attorney Lacey continued. "I will aggressively prosecute anyone who preys upon another person because of their language, cultural differences or their residency status." The Notario Fraud Unit prosecutes cases involving immigration fraud and the unlicensed practice of law by con artists who often collect high fees from victims without delivering any services. The Notario Fraud Unit is staffed by two deputy district attorneys and an investigator under the Consumer Protection Division. They conduct public outreach and education, participate in immigration task forces, draft legislation to better protect consumers and conduct training for prosecutors, law enforcement personnel and consumer advocates.

Reported similarly:

[VOA](#) [2/12/2019 7:49 PM, Associated Press]

[News-Times](#) [2/12/2019 2:45 PM, Amanda Lee Myers, 26K, CT]

[ABC7](#) [2/11/2019 3:05 AM, Jovana Lara, 5K, CA]

### **[CA] San Diego will sue U.S. for releasing asylum-seeking families**

[Washington Post](#) [2/12/2019 8:37 PM, Associated Press] reports that San Diego County supervisors say they plan to sue the Trump administration over the widespread releases of asylum-seeking families. Since late October, the U.S. has been releasing asylum-seeking families so quickly that they don't even have time to make travel arrangements, merely giving them notices to appear in immigration court. The families often end up in shelters run by charities, straining the resources of border towns. U.S. Immigration and Customs Enforcement spokeswoman Lauren Mack says the agency doesn't comment on pending litigation. Previously, the agency has said it has limited authority to detain families, referring to a 20-day cap on holding children.

Reported similarly:

[Los Angeles Times](#) [2/12/2019 9:40 PM, Charles T. Clark, 3575K]

[KPBS](#) [2/12/2019 7:57 PM, Jean Guerrero, 28K, CA]

## **Enforcement News**

### **Menendez Attacks Trump For Classifying Drunk Driving Illegals As 'Criminal'**

[The Daily Caller](#) [2/12/2019 10:30 AM, Tim Pearce, 867K, DC] reports Democratic Sen. Bob Menendez of New Jersey attacked President Donald Trump Monday for treating illegal aliens that drive under the influence of drugs or alcohol as criminals. Democratic lawmakers are attempting to limit the number of illegal aliens that U.S. Immigration and Customs Enforcement can detain at one time. The New Jersey senator appeared on CNN Monday night and blamed ICE's enforcement policies for detaining more illegal aliens than Congress allocated funding for. "The reason that [ICE is] already 8,000 [beds] over their budgeted amount is because of the president's zero-tolerance policy that has turned everyone, regardless of their record, into a criminal," Menendez told CNN host Wolf Blitzer. "If you cross the border undocumented, [Trump] has now made you a criminal," Menendez said. "If a person has a driving while under the influence violation, he is now making that, saying that's criminal." In previous administrations, ICE only detained and deported "violent" criminals, Menendez said. The Obama administration prosecuted nearly 500,000 illegal immigrants between 2010 and 2016, according to Department of Homeland Security data. Democrats say a bed cap would force ICE to prioritize detainment of the most dangerous



criminals. ICE officials say the Democrat proposal would result in violent illegal aliens escaping into the U.S. Follow Tim Pearce on Twitter.

**[MA] ICE officials arrest Holliston Uber driver accused in Ashland sexual assault**

[Wicked Local Ashland](#) [2/12/2019 7:08 PM, Norman Miller, 8K, MA] reports minutes after a Holliston Uber driver left his arraignment on sexual assault Monday, federal immigration officials arrested him in the Framingham District Court parking lot. Jose H. Arevalos-Avalos, 37, was arrested by Immigration and Customs Enforcement agents, because he is in the U.S. illegally and has a criminal record. It is unclear if or how he passed an Uber background check before becoming a driver for the company. "On Feb. 11, ICE officers arrested Jose Hector Arevalos-Avalos, 37, an illegally present citizen of El Salvador, in Ashland, Massachusetts, on immigration violations after he was released from local custody on bail. ICE will seek to effect Arevalos-Avalos' removal following resolution of the pending criminal charges against him," John Mohan, a spokesman for ICE, told the Daily News. Arevalos-Avalos was arrested on Friday in Holliston and charged with sexually assaulting a passenger in Ashland. It was not his first arrest. According to an ICE official, Arevalos-Avalos was deported in 2011 after he was convicted of possession of cocaine with intent to distribute in 2010. In 2013, Arevalos-Avalos returned to the U.S. illegally, the ICE official said, and authorities arrested him. Arevalos-Avalos served 13 months in federal prison after a federal jury convicted him of illegally re-entry into the U.S. Since his release, he has been on federal supervision as his case is being heard in a federal immigration court. But, the ICE official said, Arevalos-Avalos has been deemed a public safety threat due to his arrest on Friday. He is now being held pending his deportation.

**[NY] Cops release pic of man wanted for fight that left man dead on subway platform**

[New York Daily News](#) [2/12/2019 10:25 PM, Thomas Tracy] reports police on Tuesday released an image of a new suspect they say took part in the MS-13 subway brawl that ended with the shooting death of a 20-year-old man on the platform. One suspect, Ramiro Gutierrez, 26, has already been arrested and accused of shooting Abel Mosso, 20, to death as stunned straphangers scrambling for safety. Authorities say he is an MS-13 member. President Trump brought up the shooting during his State of the Union speech last week, saying it helped justify his proposals for getting tougher on immigration, including his controversial call for a border wall. Gutierrez is an undocumented immigrant from El Salvador. Cops believe the new suspect, believed to be in his 20s, took part in the brawl on the Manhattan-bound No. 7 train as it pulled into the 90th St. station in Jackson Heights that lead up to the shooting about 12:45 p.m. Feb. 3.

**[NY] Illegal immigrant ex-boyfriend arrested in death of New York woman found stuffed in suitcase, report says**

[FOX News](#) [2/12/2019 11:54 AM, Kathleen Joyce, 9216K] reports police on Tuesday reportedly arrested a man who previously dated Valerie Reyes, the woman whose body – bound at the hands and feet – was discovered last week stuffed into a large red suitcase dumped on a roadside in an affluent Connecticut town. The Greenwich Police Department announced the arrest of an individual "believed to be involved" in Reyes' death. That same person had also "fraudulently used the ATM card" that belonged to her. Multiple sources reported the man arrested is Javier DeSilva of Flushing, N.Y., who previously had a relationship with the victim. DeSilva is a native of Venezuela and "has been in the country illegally since overstaying his visa," CBS New York reported, citing sources. A source told the TV station the 24-year-old New Rochelle woman was "killed at her residence." The



United States Attorney for the Southern District of New York is handling the case. [Editorial note: consult source link for video]

Reported similarly:

[Breitbart](#) [2/12/2019 8:51 PM, Nate Church, 2015K]

[WFSB](#) [2/12/2019 10:51 AM, Rob Polansky, CT]

**[VA] 18-year-old arrested in connection to 2017 killing of Fairfax Co. teen**

[WTOP](#) [2/12/2019 2:05 PM, Zeke Hartner, 218K, DC] reports an additional arrest has been made in connection with the August 2017 kidnapping and murder of a teenager with ties to MS-13 in Prince William County, Virginia, police said. The latest suspect arrested in connection to the gang-related murder of 18-year-old Miguel Angel Ruiz Carrillo is an 18-year-old man, who was a juvenile at the time the murder was committed, Prince William County police said. He was arrested and charged with murder on Feb. 11. In the time between the murder and the latest charges, the suspect has been incarcerated at the Fairfax County Adult Detention Center on unrelated charges. He has now been taken to the Prince William County Adult Detention Center, where he remains in custody. The new suspect brings the total number of people taken into custody in the case to seven. Hector Armando Gamez-Amaya was arrested and charged with first-degree murder in connection to the crime in September 2017; 19-year-old Tomas Antonio Pino-Mejia and Ismael Antonio Hernandez-Navarro, also 19, were arrested in December 2017. U.S. Immigration and Customs Enforcement has detainers against the three murder suspects: Gamez-Amaya, Hernandez-Navarro and Pino-Mejia.

**[NC] ICE Arrests 200 After North Carolina Counties Cut Ties with Immigration Officials**

[Breitbart](#) [2/12/2019 3:39 PM, Warner Todd Huston, 2015K] reports Immigration and Customs Enforcement agents arrested 200 undocumented aliens in North Carolina after several counties moved to cut ties with ICE. ICE Regional Director Sean Gallagher said the raids were a direct result of the counties refusing to work with immigration officials. "This is the direct conclusion of dangerous policies of not cooperating with ICE. This forces my officers to go out onto the street to conduct more enforcement," Gallagher said according to the Charlotte Observer. Gallagher added that ICE officers are forced to go out in the field in targeted raids because they no longer have access to many jails in the Tar Heel state and because county officials are not informing immigration officials of possible dangerous criminals that should be deported. The counties of Mecklenburg and Wake used to notify ICE of the legal status of arrestees, but new sheriffs changed that policy after recent elections. The increased raids in North Carolina will not end any time soon. Charlotte City Council Member Braxton Winston noted that one ICE official told him that the raids are the "new normal" since so many officials have decided to refuse to cooperate with the Department of Homeland Security. ICE officials say they are left with no choice because the county sheriffs are simply releasing dangerous criminals right back into the population.

Additional reporting: [Edwardsville Intelligencer](#) [2/12/2019 10:57 AM, Staff, 7K, IL]

**[GA] Rapper 21 Savage to be released from ICE custody**

[Washington Post](#) [2/12/2019 5:16 PM, Sonia Rao, 9763K] reports the Atlanta Immigration Court granted 21 Savage a release on bond Tuesday, according to his lawyers. The rapper was taken into custody nine days ago by U.S. Immigration and Customs Enforcement



officials, who said he is actually "a United Kingdom national" who overstayed a nonimmigrant visa. ICE spokesman Bryan Cox told The Washington Post following the arrest that 21 Savage, whose real name is She'yaa Bin Abraham-Joseph, had entered the country legally in July 2005 but failed to leave under the terms of his visa, which expired a year later. Kuck responded with a statement saying the rapper's family had overstayed their work visas when he was a minor and that he had never hidden his immigration status from authorities.

[Atlanta Journal Constitution](#) [2/12/2019 3:15 PM, Jeremy Redmon, GA] reports rapper 21 Savage was granted a \$100,000 bond during a closed hearing in Atlanta on Tuesday and will be released from immigration detention Wednesday, according to his attorneys. The rapper, whose real name is She'yaa Bin Abraham-Joseph, was taken into custody earlier this month. Federal immigration officials say he's a U.K. citizen who overstayed his visa. U.S. Immigration and Customs Enforcement opposed 21 Savage's release, according to Charles Kuck, one of the rapper's attorneys. An ICE spokesman issued a statement in response to a group of the musician's supporters who demonstrated outside of the Immigration Court as the hearing took place. They called for his release and advocated for ICE's abolition. "U.S. Immigration and Customs Enforcement fully respects the Constitutional rights of all persons to peacefully express their opinions," ICE spokesman Bryan Cox said. "That said, ICE remains committed to performing its immigration enforcement mission consistent with federal law and agency policy." Atlanta Immigration Judge J. Dan Pelletier closed Tuesday's hearing at the request of ICE and 21 Savage because the rapper is applying for a visa that allows crime victims to remain legally in the U.S., according to Kuck, who declined to elaborate.

Additional reporting:

[NPR](#) [2/12/2019 4:03 PM, Andrew Flanagan]

[CNN](#) [2/12/2019 4:56 PM, Nick Valencia and Eric Levenson]

**[FL] ICE contacted after man drunkenly crashes into 2 vehicles, sheriff says**

[WTSP](#) [2/12/2019 2:31 PM, Staff, 55K, FL] reports the Polk County Sheriff's Office is asking U.S. Immigration and Customs Enforcement to help determine if a Honduran man they say drunkenly crashed into two vehicles is in the United States illegally. Juan Doblado-Gutierrez, 25, is accused of leaving the scene of the crash and later registering a blood alcohol concentration of nearly three times the legal limit. He is charged with DUI with property damage, leaving the scene of a crash involving injury, not having a valid driver's license and leaving the scene of a crash involving property damage. A deputy stopped him about two miles north and said Doblado-Gutierrez failed a field sobriety test. He was arrested and taken to the Polk County Jail, where authorities say his BAC was .223. Doblado-Gutierrez did not have a valid Florida driver's license and only possessed an ID card from Honduras, according to the sheriff's office. "Thank God no one was seriously hurt," Polk County Sheriff Grady Judd said. "We don't know if he is in the country legally, but we have notified ICE that he is in our jail. If ICE gives us a legal detainer, we will hold him."

Reported similarly: [Winter Haven News Chief](#) [2/12/2019 4:11 PM, Kathy Leigh Berkowitz]

**[MO] Family, friends and church members of detained mother of three pray she won't be deported**



[FOX 2 St. Louis](#) [2/12/2019 11:27 PM, Ayesha Khan, MO] reports that a family in Overland is worried sick after their loved one is suddenly taken into custody facing possible deportation to Honduras. They said that 48-year-old Ilsa Guzman-Farjardo, a wife and mother of three has been in the country illegally for years without any problems until Tuesday. Guzman-Farjardo was taken into custody at the Immigration and Customs Enforcement or ICE office downtown in the Robert A. Young federal building Tuesday morning. Guzman-Farjardo's attorney Evita Tolu told Fox 2 that Guzman-Farjardo knew she would face deportation after her son, a U.S. citizen, turned 18-years-old. Sara John, executive director of the St. Louis Interfaith Committee on Latin America, said that according to Guzman-Farjardo's attorney, she voluntarily reported to authorities in 2014 after learning about a deportation order against her. "She came to this country fleeing violence and poverty in Honduras," John said, "and presented herself to an agent at the border and asked to seek asylum and then our government screwed up and gave her an incomplete notice to appear." Public Affairs Officer Shawn Neudauer sent a statement, part of which stated that, Guzman-Farjardo was allowed to stay in the U.S in 2014 on humanitarian reasons. In December 2018, a federal immigration judge denied her request to reopen her case leading to the arrest. In the meantime, Tolu is expected to file a request for stay of removal, which means asking immigration not to take action in the deportation order.

Reported similarly:

[KMOV](#) [2/12/2019 7:19 PM, Staff, 66K, MO]

[River Front Times](#) [2/12/2019 4:01 PM, Doyle Murphy, 51K, MO]

### **[TX] Twice-Deported Colombian Gets 10 Years for Drug Trafficking in Texas**

[Breitbart](#) [2/12/2019 9:56 AM, Merrill Hope, 2015K] reports that a Colombian national, previously deported at least two times, was sentenced to more than 10 years in federal prison on drug trafficking charges in Texas after he re-entered the United States illegally. On Friday, U.S. District Judge Marcia Crone sentenced Esmir Colorado-Cuero, 35, to serve 121 months, more than 10 years, behind bars on these charges as well as for reentering the U.S. illegally after being deported, said U.S. Attorney Joseph D. Brown for the Eastern District of Texas. As part of a plea agreement, the Colombian national pleaded guilty on October 22, 2018, to conspiracy to traffic heroin, conspiracy to money launder, and unlawful reentry by a previously removed alien. The court documents indicated that Colorado-Cuero did not apply for permission to reenter the country from the U.S. Attorney General or the Secretary of Homeland Security since his 2013 removal. This case was the result of an extensive joint investigation led by the Organized Crime Drug Enforcement Task Force, according to Brown. The U.S. Drug Enforcement Administration field divisions in Houston and Miami, police departments in Houston and Beaumont, the Department of Homeland Security - Enforcement Removal Operations-Beaumont, Homeland Security Investigations - Houston, and the Texas Department of Public Safety crime labs in Tyler and Austin investigated this case. [Editorial note: consult source link for audio]

### **[TX] A Year After Being Detained By ICE, Former Houston High School Student Forges His Future**

[Houston Public Media](#) [2/12/2019 2:57 PM, Elizabeth Trovall, 18K, TX] reports about a year ago, Dennis Rivera was in his final semester at Austin High School, just east of downtown Houston. He was a quiet senior who got good grades and was captain of the soccer team. Then one day, he lost his temper with a student who had been bullying him for being an



immigrant. He pushed her down and ran. School police took him to jail and Rivera was arrested. Soon after, federal immigration agents showed up. "I spent about two months in a detention center," said Rivera, who has since been released but faces an uncertain future. He's in the process of pleading asylum in order to stay in the country. If he loses his case, Rivera will be deported back to his home country of Honduras.

**[NE] Woman gets time served, faces deportation in O'Neill immigration case**

[Lincoln Journal Star](#) [2/12/2019 8:00 PM, Lori Pilger, 90K, NE] reports that a 49-year-old woman who used her volunteer position translating Spanish at an O'Neill hospital to steal identities for people here illegally so they could work learned Tuesday her punishment for it. Last summer, Lillian Ajin was one of 18 people and two businesses — JP and Sons and J Green Valley — indicted in connection to U.S. Immigration and Customs Enforcement raids in the O'Neill area involving more than 100 immigrants in the country illegally. She later pleaded guilty to conspiracy to harbor illegal aliens. Ajin's attorney, Alberto Silva, said Ajin will be deported and separated from her children. Silva said there was no evidence Ajin benefited from the conspiracy other than from the income her husband, who she helped get a job, made to support her and her children. Ajin just knew about it, through the community, and took part in it by leading people into it, he said. Silva said Ajin, who's been in jail since Aug. 8, already has been adequately punished. In the end, Chief U.S. District Judge John Gerrard agreed with him and the federal probation officer, who made the same recommendation. Gerrard said she was a minor participant in the conspiracy and would be sentenced accordingly. He said it was clear to him that the public needs no further protection from her and sentenced her to time served.

**[AZ] Previously Deported Armed Robber Arrested near Arizona Border**

[Breitbart](#) [2/12/2019 12:46 PM, Bob Price, 2015K] reports Tucson Sector Border Patrol agents apprehended a previously deported criminal alien after he re-entered the U.S. with a group of migrants. An Arizona court previously convicted the Mexican national for armed robbery. Agents assigned to the Casa Grande Border Patrol Station observed signs that a group of migrants crossed the border east of the Lukeville Port of Entry. The agents began tracking the migrants by utilizing dirt bikes and other all-terrain vehicles, according to Tucson Sector officials. The agents tracked the group for at least nine miles. The agents apprehended 10 migrants who were all illegally present in the U.S. They then arranged for transportation and biometric background investigations to search for histories of criminal convictions, immigration violations, or gang affiliation, officials stated. During the records check, the agents identified one as a previously convicted felon. An Arizona court convicted 25-year-old Silvestre Verdugo-Valles, a Mexican national, for armed robbery with a deadly weapon in Phoenix, Border Patrol officials stated. The court sentenced the illegal immigrant to five years in state prison. Immigration officers deported the Mexican national upon completion of his prison term. Officials said that Verdugo will now face new federal felony charges for illegal re-entry after removal for a felony conviction.

**[NM] Migrant mini-caravan breaches border near site of Trump wall rally**

[Washington Times](#) [2/12/2019 6:33 PM, Stephen Dinan, DC] reports hours after President Trump appeared in El Paso Monday at a rally to demand border wall money, a massive group of illegal immigrants breached the border a few miles away. Border Patrol agents say 311 migrants strolled around the end of the border fence in Sunland Park, New Mexico, and walked into the U.S., where they were arrested just before midnight. Almost all of them were families or unaccompanied alien children (UAC) from Central America, part of a stream of



mini-caravans who have traversed Mexico over the last year, finding holes in American border security. Sunland Park is just across the state line from El Paso, where Mr. Trump appeared at a rally to draw attention to the border situation. He bragged that his administration had started a new round of wall-building along the Rio Grande — apparently a reference to six miles of fencing being constructed in Mission, Texas. Mr. Trump also pointed to the wall that had been built a decade ago in El Paso, which the president said had cut crime and illegal immigration. City officials disputed the president's crime claims.

Reported similarly: [Breitbart](#) [2/12/2019 9:48 AM, Merrill Hope, 2015K]

### **[CA] ICE Detainees Hold Hunger Strike to Protest Conditions at Northern California Jail**

[KQED](#) [2/12/2019 8:24 PM, Farida Jhabvala Romero, 160K, CA] reports that dozens of immigration detainees held at a jail north of Sacramento have refused meals since Sunday morning, in protest of detention conditions, KQED has learned. Yuba County Jail staff and medical personnel are monitoring 46 detainees of U.S. Immigration and Customs Enforcement who continue to refuse food, said Yuba County Sheriff Wendell Anderson. Detainees participating in the hunger strike, which is planned to last three days, are protesting delayed medical care, overly restrictive conditions, and insufficient exercise and education opportunities, according to one of the men participating in the strike. In a statement to the press, Anderson said that medical staff is on duty 24 hours a day at the jail and all inmates are allowed to have outside exercise several times per week. While GED, anger management and other weekly classes are available to most ICE and local inmates, some detainees don't have access to those programs because of their past criminal records, he said. He added that about half of the detainees refusing food are identified as gang members. Last month, a federal judge in Sacramento ordered the Yuba County Jail, which is located in Marysville, to fix the same issues the immigration detainees are currently protesting. The order is part of a lawsuit over jail conditions that dates back to 1976. Attorneys representing inmates said everyone held at the Yuba County Jail is covered by the judge's order and entitled to greater access to exercise, medical care and education programs, regardless of their security level or immigration status. Officials at the Yuba County Jail do not yet consider detainees officially on hunger strike, because they haven't refused more than nine consecutive meals, as defined by ICE policy. [Editorial note: consult source link for audio]

### **[CA] 'I don't want to go back to Mexico': Man gets no jail for escape from ICE, but deportation imminent**

[East Bay Times](#) [2/12/2019 5:34 PM, Nate Gartrell, 62K, CA] reports an East Bay resident who jumped from a moving ambulance in order to avoid being detained by Immigration and Customs Enforcement agents was sentenced to 10 days in jail with credit for time served, court records show. But Gerardo Guzman 34, was also placed on a U.S. marshal hold and will likely be deported, authorities said during Guzman's sentencing hearing in late January. Guzman had been charged with escape from custody, a misdemeanor, and faced up to a year in federal detention. The escape charge stemmed from an incident in May 2018, when Guzman was arrested by an ICE agent while in state custody on unrelated felony charges in Contra Costa County. In early May 2018, ICE agents arrested Guzman at the Richmond jail and took him to San Francisco for booking. There, he began to complain of pain in his left arm, chest and head, so an ambulance was called to take him to a hospital. When the ambulance got to the intersection of Potrero Avenue and 22nd Street, Guzman jumped from



the moving vehicle and began to run away. Nine days later, a Contra Costa County deputy spotted Guzman walking near Alberts Avenue and Waters Street in Bay Point, and arrested him.

**[CA] Valley Navy veteran who feared deportation remains free, out of ICE's custody**

[Merced Sun-Star](#) [2/12/2019 4:19 AM, Yesenia Amaro, 14K, CA] reports a U.S. Navy veteran who had feared might be detained by U.S. Immigration and Customs Enforcement in Fresno on Tuesday was allowed to remain free, following an injunction from a federal district judge. Several activists and community members accompanied Joaquin Antonio Sotelo Tarin for a scheduled check-in appointment with ICE on Tuesday morning. Tarin, who is from Merced and has a past criminal history, referred questions to his attorney Etan Newman. ICE was trying to detain him on Tuesday, Newman said. U.S. District Court Judge Charles R. Breyer issued an injunction on Monday, preventing ICE from detaining him. Tarin's supporters were still concerned of what could happen, and tagged along Tuesday as he went to report to ICE. The check-in was brief. Tarin came to the U.S. when he was around 10 from Mexico, and years later he became a legal permanent resident. He later enlisted in the Navy, where he served 2001-06. Upon his return, he got into trouble with the law, starting in 2009. Tarin has convictions that include possession of a controlled substance, domestic violence, dissuading a witness and hit-and-run. Newman said those convictions were a result of Tarin not getting the treatment he needed to deal with anxiety and depression after returning home from service. He was placed in removal proceedings to be deported in 2013, Newman said. Tarin was in the custody of federal immigration officials, but in 2017, a judge allowed him to be released on bond. The Board of Immigration Appeals reversed the judge's bond decision, saying Tarin should be detained. Newman is now challenging that reversal at the U.S. District Court, where the hearing on the petition to prevent ICE from detaining Tarin was heard on Monday. Monday's order prevents ICE from detaining Tarin while the federal district court's case is ongoing, Newman said. Tarin's immigration court case is also still ongoing, and his next hearing is scheduled for December. [Editorial note: consult source link for video]

**[CA] Trans immigrant released from detention**

[Bay Area Reporter](#) [2/12/2019 7:42 AM, Staff, 3K, CA] reports that after a five-year legal battle, Christina Lopez, a transgender immigrant and human trafficking victim, was released from immigration detention in New Mexico February 8 and granted a special visa, according to the Transgender Law Center, which represented Lopez. Lopez spent almost four years in custody after being detained by immigration officials in 2014. In March 2018, the Board of Immigration Appeals took on Lopez's case after TLC filed a motion to reopen it. TLC also filed a motion for stay of removal, saying that her past criminal convictions were due to the fact she'd been a victim of human trafficking. Lopez won her case at the BIA and her case was reopened. Lynly Egyes, interim legal director at TLC, said in the release, "Transgender women, and particularly those without immigration status, are frequently targeted for trafficking and forced into illegal activity against their will, leading to criminal convictions that the government uses to justify deportation. Through the precedent and novel legal arguments created in Christina's case, countless other survivors of human trafficking could now be protected from deportation."

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Thursday, Feb. 14, 2019**

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## Executive Office for Immigration Review

### **Being An Immigration Judge Was Their Dream. Under Trump, It Became Untenable.**

[BuzzFeed](#) [2/13/2019 6:15 PM, Hamed Aleaziz, CA] reports Rebecca Jamil was sitting in a nondescript hotel ballroom in suburban Virginia when she realized that her dream job — being an immigration judge — was no longer tenable. It was June 11, 2018, and then—attorney general Jeff Sessions, her boss, was speaking to a room packed with immigration judges, running through his list of usual complaints over what was, in his estimation, a broken asylum system. Toward the end of the speech, Sessions let slip some big news: He had decided whether domestic abuse and gang victims could be granted asylum in the US. Advocates, attorneys, and judges had been waiting months to see what Sessions, who in his role as attorney general had the power to review cases, would do. After all, it would determine the fate of thousands of asylum-seekers, many fleeing dangerous situations in Central America. Sessions didn't reveal to the room the details of his ruling, but Jamil, based in San Francisco since she was appointed in 2016, learned later that day that the attorney general had decided to dramatically restrict asylum protections for domestic abuse victims. Jamil, a mother of two young daughters, had been shaken by the images and sounds that came as a result of the Trump administration's policy to separate families at the border. As a judge who oversaw primarily cases of women and children fleeing abuse and



dangers abroad, this was the last straw. Soon after, she stepped down from the court.

In many ways, her resignation underscores the tenuous position of immigration judges, who are overseen by the attorney general and susceptible to the shifting winds of each administration. To avoid potential conflicts, the union that represents the judges has long called for its court to be an independent body, separate from the Department of Justice. The Trump administration has undertaken a monumental overhaul of the way immigration judges, which total around 400 across the country, work: placing quotas on the number of cases they should complete every year, ending their ability to indefinitely suspend certain cases, restricting when asylum can be granted, and pouring thousands of previously closed cases back into court dockets. In the meantime, the case backlog has jumped to more than 800,000 under the administration and wait times have continued to skyrocket to hundreds of days. The quotas in particular have made judges feel as if they were cogs in a deportation machine, as opposed to neutral arbiters given time to thoughtfully analyze the merits of each case. "The job has become exceedingly more difficult as the court has veered even farther away from being administered as a court rather than a law enforcement bureaucracy," said Ashley Tabaddor, an immigration judge who heads the National Association of Immigration Judges, a union representing around 350 judges. "In 2015, 2013, and 2011, the National Association of IJs [immigration judges] raised the same concerns. In 2011, the NAIJ said that 'stress on judges has reached unbearable levels and was a large contributing factor to retirement at the earliest possible opportunity,'" said Steven Stafford, a Justice Department spokesperson. "What is actually new is that we are hiring more and more IJs and doing so faster than ever before. Today we have 68.9 percent more IJs than we did in 2010, and that number is only rising."

Reported similarly: [The Hill](#) [2/13/2019 9:24 PM, Rachel Frazin]

### **Indian, Chinese Immigrants More Likely To Be Granted Bond**

[Law360](#) [2/13/2019 4:59 PM, Tiffany Hu] reports that the chances of being granted bond at immigration hearings have gone down over the past year, with Chinese and Indian immigrants having better odds than those from Cuba and the Dominican Republic, according to a report published Tuesday by Syracuse University. The report from Syracuse's Transactional Records Access Clearinghouse found that immigrants detained by U.S. Immigration and Customs Enforcement were granted bond less than half the time, dropping from 48 percent in 2018 to 43 percent in the first few months of 2019. Notably, out of the nationalities of individuals who appeared at immigration bond hearings, Chinese and Indian immigrants were more likely to be granted bond than immigrants from Cuba, the Dominican Republic and several Central American countries, TRAC said. "Striking differences among nationalities in whether individuals continue to be detained or can be released from ICE custody were documented again and again in immigration court records," TRAC co-director Susan B. Long said Wednesday in an email to Law360.

While most of the nationalities have seen a dip across the board, the chances of being granted bond as a Cuban immigrant has gone slightly up from 11 percent to 15 percent, according to the report. TRAC noted that immigration judges were also found to have set higher required bond amounts for nationalities with a higher success rate, while setting lower amounts for those with "especially low chances" of being granted bond. Specifically, Indian immigrants who were detained also had the highest required median bond at \$17,000 in 2018 and \$20,000 so far in 2019, the report found. Immigrants from Nepal and China, who had comparatively high rates of success, both also had high bond amounts at



\$15,000, TRAC added. By contrast, detained immigrants from Cuba — among the groups with the lowest chance of being granted bond — also had one of the lowest required median bond amounts at \$4,000 in 2018 and \$5,000 in 2019, according to the report. In December, TRAC released data revealing that the immigration courts' case backlog topped 800,000 in 2017 — a marked increase from the 542,411 on the courts' docket at the end of January 2017. An ICE spokesman on Wednesday directed comment requests to the U.S. Department of Justice's Executive Office for Immigration Review, whose immigration judges oversee the bond hearings, but the office said it does not comment on third-party reporting of EOIR data.

### **How Sessions Reshaped America's Immigration Court System**

[Regulatory Review](#) [2/14/2019 4:14 AM, Domenic Powell, PA] reports that the United States will likely soon have a new Attorney General. But what will be former Attorney General Jeff Sessions' legacy as the nation's top law enforcement official? Of all the ways Sessions may have left his mark on the office, his most enduring legacy as a policymaker may be found in the changes he made to the nation's immigration court system. The immigration courts of the United States are part of the U.S. Department of Justice. As Attorney General, Sessions had the power to set policy for the immigration courts. By referring several cases from the immigration court's appellate body—the Board of Immigration Appeals (BIA)—to himself, Sessions made several dramatic changes to how cases move through the system, and which immigrants can access that system. First, in a case called *Matter of Castro-Tum*, Sessions took away most of the power of immigration judges to use a process called "administrative closure" to remove cases from their docket. Immigration judges regularly used this power to allow immigrants to resolve other issues—like pending applications for visas—that could impact the outcome of their case. Second, in a change similar to the *Castro-Tum* decision, Sessions limited the power of immigration judges to postpone hearings, making it significantly more difficult for non-citizens to delay their cases while they prepare themselves for court. Third, Sessions took away most of the power of immigration judges to terminate cases. Finally, Sessions overturned a 2014 decision by the BIA that allowed victims of domestic violence to apply for asylum.

Sessions' decisions tie the hands of immigration judges who might otherwise allow someone to stay in the country. But instead of a sudden rush of deportations, these changes appear to have made the gears of the immigration court system grind even slower than before. Before Sessions took office, immigration courts had a serious backlog of pending cases—more than 700,000 as of last June. Now, over one million cases have to be heard, but only 395 judges currently serve nationwide to hear them. According to the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, it would take the court system more than five years to work through the current caseload if it did not hear new cases and focused exclusively on the pending ones. Before Sessions' actions, it would have taken three years, TRAC said in a recent report. Sessions tried to address the backlog by hiring more immigration judges and streamlining the hiring process, cutting the time it takes to bring on a new judge in half. More controversially, however, he also instituted a quota for judges. Until a future Attorney General says otherwise, any judge that does not complete at least 700 cases per year could face professional consequences. The National Association of Immigration Judges (NAIJ) released a statement opposing the imposition of quotas, and pointed to a U.S. Government Accountability Office study indicating that 90 percent of delays in immigration cases are caused by factors outside of the control of the court.



**[NY] Groups Sue U.S. to Stop Deportation Hearings by Videoconference in New York**  
[Reuters](#) [2/13/2019 3:54 PM, Tom Hals, 2894K] reports rights groups have sued the Trump Administration for violating constitutional rights of immigrants by refusing them in-person deportation hearings in New York immigration court, and instead forcing them to make their case by videoconference from detention. In a lawsuit filed late on Tuesday, three rights groups alleged that in June immigration agents in New York announced they would no longer bring detained immigrants to court hearings and that proceedings would be held exclusively by video. The case claims the changes are part of the Trump administration's policy to speed up deportations with as few legal protections as possible. Hearings by videoconference have been plagued by technical failures that prevent immigrants from seeing, hearing or understanding what is happening in the courtroom, according to the complaint. Those problems are compounded by language barriers and the frequent presence of immigration officers with the detained immigrant, which can discourage testimony about sensitive information vital to a case, according to the lawsuit.

Immigration law gives judges discretion to conduct hearings by video, so long as it does not violate requirements of due process. Remote hearings have become a tool used by immigration judges to try to reduce the swelling backlog of cases, which has grown to more than 800,000 cases. The Executive Office for Immigration Review, which falls under the Justice Department and runs the nation's immigration courts, said less than 1 percent of videoteleconferencing hearings had to be adjourned due to malfunctions. "EOIR has successfully conducted hundreds of thousands of VTC hearings, and it's an integral part of its common-sense strategy to reduce the pending backlog of cases," said Steven Stafford of EOIR. U.S. Immigration and Customs Enforcement did not immediately respond to a request for comment on the suit. About 7 percent of the 1.2 million immigration hearings in fiscal year 2018 were conducted by video, according to EOIR. But courts, attorneys and academics have found problems with technology. In October, a deputy chief immigration judge sent an email to courts asking them for input on their use of videoconferencing, according to documents obtained by Reuters through Freedom of Information Act requests.

[Law360](#) [2/13/2019 3:04 PM, Suzanne Monyak] reports the seven immigrant detainees, including U.S. permanent residents and individuals with cognitive disabilities, alleged in the lawsuit that the ICE New York Field Office's June policy to stop transferring detained individuals to New York City's Varick Street Immigration Court to attend their hearings in person has resulted in due process failures and frequent postponements of hearings. The government suddenly halted without warning in-person hearings in late June, according to the suit. An ICE spokesperson told Law360 in July that the change was made in response "to attempts by certain groups to disrupt ICE operations through spreading misinformation and advocating violence against ICE employees," though Tuesday's suit faults ICE for what it calls "shifting policy justifications." The detainees, represented by Brooklyn Defender Services, The Legal Aid Society and others, alleged that technological problems with video teleconferencing have been rampant since the policy was implemented, hindering the immigrants' ability to follow their own proceedings. Additionally, the shortage of VTC lines at the jails housing the immigrants have caused immigration judges to reschedule proceedings routinely, which can prolong detention, according to the suit.

In a statement to Law360 on Wednesday, U.S. Department of Justice spokesperson Steven Stafford defended the use of VTC, arguing that the VTC system "reduces costs, increases hearing flexibility, and generally reduces processing or waiting times for decisions in administrative proceedings without any dispositive impact on case outcomes." He called the



system "an integral part of its common-sense strategy to reduce the pending backlog of cases." He added, "That is good for our immigration court system—and it's good for immigrants." Stafford also cited data published in November by the DOJ's Executive Office for Immigration Review, which houses the immigration courts, finding that less than one percent of hearings were adjourned in FY2018 due to FTC video malfunctions. In Tuesday's lawsuit, the class cited data on their own from a 2017 Booz Allen Hamilton study commissioned by EOIR, which found that 29 percent of staff reported that VTC equipment "caused a meaningful delay in their ability to proceed with their daily responsibilities" and advised that immigration courts limits the use of VTC to "procedural matters."

[WNYC](#) [2/13/2019 10:08 AM, Beth Fertig, 109K, NY] reports that the suit describes two immigrants who lost their cases because of problems related to the video. And they cite a case in which a judge complained that an immigrant with cognitive problems had trouble understanding the proceedings.

The suit also refers to an immigrant who did not feel comfortable testifying about from the detention center because the discussion involved sexual identity, and ICE officers were able to listen. The government doesn't comment on litigation but in the past it's said video technology is more cost effective. Video is used in immigration courts across the country, mostly for immigrants held in detention. Data obtained from Fiscal Year 2018 by WNYC that found nearly 126,000 hearings were done by video, a 14 percent increase over the previous year. Late last year, Immigration and Customs Enforcement starting bringing some detained immigrants to in-person hearings at a different court building at Federal Plaza, to the surprise of attorneys. This followed a lawsuit over the long waiting period for hearings. But hearings at Varick Street are still conducted by video unless problems with the feed force ICE to bring the detainees to court. It did this last year and in early January following technical problems at the Bergen County, NJ detention center.

Reported similarly:

[Washington Post](#) [2/13/2019 6:28 PM, Deepti Hajela]

[VOA News](#) [2/13/2019 11:01 PM, Staff, 1183K]

[Courthouse News Service](#) [2/13/2019 6:28 PM, Adam Klasfeld]

[WSHU Public Radio](#) [2/13/2019 2:27 PM, Charles Lane, 3K, CT]

[WNYC](#) [2/13/2019 10:08 AM, Beth Fertig, 109K, NY]

[New York Law Journal](#) [2/13/2019 1:49 PM, Staff, 105K, NY]

[Jersey Journal](#) [2/13/2019 5:53 PM, Terrence T. McDonald, NJ]

#### **[TX] Immigration court backlog impact on Houston family**

[FOX 26 Houston](#) [2/13/2019 9:10 PM, Maria Salazar, 23K, TX] reports that if a border security agreement is not reached by Friday, parts of the federal government could shut down again. People with pending immigration court hearings worry what this could mean for their cases. According to the U.S. Department of Justice, as of December 31, 2018, there are more than 821,000 immigration cases pending review. The last shutdown added to the backlog. Dmitry Shinyavsky's case is one of them. In 2017, he arrived in Houston from Russia in hopes of obtaining an employment visa based on extraordinary ability. He and his wife Tatiana paid the extra money to expedite the decision on their case. Their attorney says it was supposed to take two weeks. "They're an example of a case that's been taking an unreasonable amount of time," says Ruby Powers with the Powers Law Group. Powers, who took on the couple's case about six months ago, says longer wait times for any immigration case type appears to be the norm and the times have gotten worse in the last



few years. From fiscal year 2016 to 2018, pending cases increased by more than 50 percent. Powers believes the backlog is based on a combination of issues such as an increase in applications, not enough immigration judges, and policy changes under President Donald Trump's administration. Dmitry and his wife are also still waiting for their work permits to be approved while their case is processing. They say their families in Russia are helping them financially, but they are unsure how much longer they can go on. [Editorial note: consult source link for video]

## **Policy and Legislative News**

### **Border deal nears passage as lawmakers prepare for votes, with Trump expected to sign**

[Washington Post](#) [2/14/2019 12:25 AM, Erica Werner, Josh Wagner and Robert Costa] reports that lawmakers slogged toward completion of a massive spending bill and border security compromise Wednesday, preparing to pass it and send it to President Trump in time to avoid a government shutdown Friday at midnight. The days of negotiations that followed the 35-day partial government shutdown produced a deal offering Trump less than a quarter of the \$5.7 billion he wanted for barriers along the U.S.-Mexico border. Nevertheless, Trump is expected to sign the bill — although the president has changed his mind at the last minute before, creating a level of uncertainty. Lawmakers finalized the 1,159-page bill just before midnight Wednesday, and votes were expected in the House and the Senate on Thursday. The legislation is expected to pass. The overall compromise, struck by a bipartisan group of lawmakers on Congress's spending committees, includes \$1.375 billion for 55 miles of new fences along the border in Texas, compared with \$5.7 billion Trump had sought for 234 miles of steel walls. It contains language Democratic negotiators say should limit detention capacity by the U.S. Immigration and Customs Enforcement agency, although Republicans insist ICE will be able to maintain and even increase existing detention levels, and some liberals said Wednesday they oppose the legislation for that reason. The bill will provide \$49.4 billion for the Homeland Security Department for the 2019 budget year, an increase of \$1.7 billion above 2018 levels. The legislation also includes policy provisions specifying that members of Congress cannot be barred from accessing any facility housing children, and it contains language aimed at making it easier for separated children to reunite with family members in the U.S. [Editorial note: consult source link for video]

Additional reporting:

[New York Times](#) [2/13/2019 4:33 PM, Emily Cochrane and Catie Edmonson, 20737K]

[New York Times](#) [2/13/2019 1:20 AM, Peter Baker and Maggie Haberman, 20737K]

[Wall Street Journal](#) [2/13/2019 12:54 PM, Rebecca Ballhaus and Peter Nicholas]

[Reuters](#) [2/13/2019 3:30 PM, Richard Cowan and Steve Holland]

[The Hill](#) [2/13/2019 12:34 PM, Jordan Fabian]

[Politico](#) [2/13/2019 3:41 PM, John Bresnahan, Sarah Ferris and Melanie Zanona, 2577K]

[Politico](#) [2/13/2019 1:13 PM, Caitlin Oprysko]

[Politico](#) [2/13/2019 10:35 AM, Caitlin Oprysko, 2577K]

[CNN](#) [2/14/2019 2:57 AM, Stephen Collinson]

[NBC News](#) [2/13/2019 8:38 AM, Leigh Ann Caldwell, et al.]

[CNBC](#) [2/13/2019 3:30 PM, Jacob Pramuk]

[Washington Examiner](#) [2/13/2019 12:46 PM, Susan Ferrechio and Naomi Lim, 629K, DC]

### **Congress hits gas on border deal**



[The Hill](#) [2/13/2019 5:43 PM, Scott Wong and Niv Elis, 3038K] reports lawmakers are rushing to pass a bipartisan border deal that would prevent a looming government shutdown and resolve the long-standing impasse over President Trump's border wall. Democratic leaders said they expect the House to pass the funding package Thursday night, giving senators across the Capitol a little more than 24 hours to vote and send it to Trump for his expected signature. Parts of the government will shut down on Saturday if a new funding bill has not been signed into law. Lawmakers had yet to even see legislation on Wednesday evening, meaning many in Congress are likely to cast votes on the bill without reading many of its details. Democrats said they planned to unveil the legislation Wednesday night.

### **Border Deal Highlights an Issue that has Quietly Exploded: Immigrant Detention**

[New York Times](#) [2/13/2019 11:04 PM, Caitlin Dickerson, 20737K] reports the latest talks have focused on another immigration issue that has quietly exploded in recent months: Record numbers of migrants being held in cramped detention centers. Under orders to end the process that the president calls "catch and release," the authorities have arrested and jailed tens of thousands of migrants since Mr. Trump took office, and Republicans would like it to stay that way. Democrats argue that ordinary immigrants around the country are being unnecessarily plucked from their families and jailed, and newly arrived migrants are being forced to wait unreasonable lengths of time in harsh detention centers. At issue is how much money the budget should provide for detention. Without more money, the authorities will have to scale back on arrests. "We'll be releasing gang members. We'll be releasing individuals convicted of domestic violence and drug crimes," said Matthew Albence, deputy director of Immigration and Customs Enforcement. "We will not be able to respond to as many calls as we do today. And in fact, in many of these calls, we're going to tell them, 'Just release them,' because we have no choice." As a result, the average daily population in immigration detention for the 2019 fiscal year has reached 45,890. ICE currently has funding to house only 40,520 people. Both parties agreed in the proposal to fund an average daily population for 2019 of 45,724 ICE detainees, or about 5,000 more than the 2018 budget provided – allowing Republicans to claim their success.

### **1,159-page bipartisan border compromise completed, Trump unclear on support**

[FOX News](#) [2/14/2019 12:49 AM, Staff, 9216K] reports that Congressional bargainers late Wednesday completed a 1,159-page border security compromise that gives President Trump less than a quarter of the \$5.7 billion he wanted to build a wall with Mexico. Summaries of the legislation say that besides nearly \$1.4 billion to build new barriers, there's over \$1 billion for other border security programs. That includes money for inspection equipment for border ports of entry. There is more than \$400 million in humanitarian aid for detained migrants plus funds to buy aircraft and to hire 600 more customs officers and additional immigration judges. Lawmakers have until 11:59 p.m. Friday to get the agreement through both houses of Congress and signed by Trump before several Cabinet-level departments shut down and hundreds of thousands of federal workers are furloughed in what would be the second partial government shutdown this year. The measure would begin reducing the number of unauthorized immigrants the Immigration and Customs Enforcement agency can detain. Congressional approval is expected Thursday and Trump's signature is considered likely. [Editorial note: consult source link for video]

### **Ex-Obama border chief says Dems are 'trying to abolish ICE with the checkbook'**



[The Hill](#) [2/13/2019 10:50 AM, Julia Manchester, 3038K] reports Mark Morgan, a former U.S. Border Patrol chief under President Obama, on Wednesday told Hill.TV that he thinks Democrats are looking to abolish Immigration and Customs Enforcement "with the checkbook" by limiting the number of detention beds. "This is not easy for me to say, because I want to try to stay apolitical, but this issue is fused with politics," Morgan told Hill.TV's Buck Sexton and Krystal Ball in an appearance on "Rising." "From a law enforcement and border security expert, there's only one conclusion that you draw, and that [is] they're really trying to abolish ICE with the checkbook," he continued. "There's no other conclusion that you can draw." [Editorial note: consult source link for video]

[The Hill](#) [2/13/2019 2:35 PM, Julia Manchester] reports that Morgan also said that it is "absolutely false" to say that walls do not work along the border. "There's so much false information that's being provided out there, and they're misleading the American people, so I'm just trying to do my best," Morgan said. He was asked to specify what false information he has seen spread in the immigration debate. "One of the best ones is walls are ineffective," he said. "2006, the bipartisan Secure Fence Act. 2013, the Senate passes a bipartisan immigration bill with \$8 billion dollars included in a fence, and just last year, there was money for fencing and barriers," he continued. [Editorial note: consult source link for video]

### **Former ICE Director Says Arresting Undocumented Immigrants More Important Than White Collar Crime**

[Newsweek](#) [2/13/2019 4:39 PM, Benjamin Fearnow, 2656K, NY] reports former U.S. Immigration and Customs Enforcement Director Thomas Homan told FOX News Tuesday he'd rather put illegal aliens in jail for a DUI than pursue white collar criminals. Speaking on Laura Ingraham's The Ingraham Angle Tuesday evening, former ICE director Homan conflated issues of white collar bank fraud similar to what decimated the U.S. economy in 2008 against any prosecution of undocumented immigrants participating in smaller crimes. Homan and Ingraham referenced a Democratic senator's recent comments on President Donald Trump's intention to deport anyone involved in minor crimes, while also ignoring commentary about white collar executives hiring those same undocumented illegal workers. "Ten thousand people a year die from DUIs, twenty eight people a day die from DUIs," said Homan. "I'd rather put an illegal alien in jail for DUI than white-collar bank fraud. It isn't about if it's a felony or misdemeanor, it's about, is it a public safety threat and is it threatening American citizens? DUIs, are you kidding me? That's a public safety issue." Homan's statistical reference about 10,000 DUIs each year in the United States in no way differentiated that number from how many of those incidents involved U.S. citizens. Homan disagreed with a statement from Senate Majority Leader Mitch McConnell this week about Trump using "whatever tools he can legally use to enhance his efforts to secure the border." The former ICE director said the president shouldn't have to find a "workaround" because congressional Republicans "failed at their job."

### **Mom whose son, 23, was killed by illegal immigrant urges Trump to keep fighting for border wall**

[FOX News](#) [2/13/2019 6:36 AM, Ryan Gaydos, 9216K] reports a Massachusetts mom whose son was killed by an illegal immigrant wants President Trump to keep pushing for billions to build a wall along the U.S.-Mexico border. Maureen Maloney's son Matthew Denice, 23, was killed in 2011 by an Ecuadorean national. Maloney will be in Washington on Wednesday to urge Democrats to support the \$5 billion plan for the wall and doesn't



think the roughly \$1.4 billion compromise would be enough to stop illegal immigrants from coming into the U.S., according to the Boston Herald. "I don't want the president to give in. I don't care how long it takes. We can't lose more loved ones to illegal aliens." Maloney hopes she can urge Democratic leaders with her and others' stories about their loved ones being killed by illegal immigrants. "The Democrats need to listen to families who have lost loved ones. They need to hear us," Maloney said, according to the Boston Herald. "They need to hear from rape victims. They need to hear from parents who lost loved ones to drugs. The Democrats need to listen to families who have lost loved ones. They need to hear us."

Additional reporting: [FOX News](#) [2/13/2019 12:08 PM, Victor Garcia, 9216K]

### **Senate panel delays vote on nominee to lead immigration agency**

[Reuters](#) [2/13/2019 10:19 AM, Sarah N. Lynch] reports that the U.S. Senate Homeland Security Committee postponed a vote on Wednesday on whether to approve Ronald Vitiello, President Donald Trump's nominee to lead the U.S. Immigration and Customs Enforcement (ICE) agency. Republican Committee Chairman Ron Johnson did not elaborate on the reasons for the delay, but the postponement came one day after ICE's employee union urged lawmakers to block the nomination amid concerns about past racially tinged and controversial comments Vitiello made on Twitter. Johnson told Reuters there are "still outstanding issues" with the nominee. The panel's top Democrat, Senator Gary Peters, said in an interview there are "bipartisan concerns" related to Vitiello's past tweets and that some rank-and-file agents don't support him. "I think it will be very difficult for him to get through the committee at this point," Peters added. This is the second time the Senate panel has delayed voting on Vitiello's nomination. The committee postponed a vote last November after the union, the National ICE Council, first raised concerns about Vitiello's fitness for leading the agency. On Tuesday, union President Chris Crane sent a letter formally asking the panel to oppose Vitiello, saying his prior offensive tweets showed he "lacks the judgment and professionalism to effectively lead a federal agency."

Vitiello, a former top Customs and Border Protection official, was named ICE acting director in the summer, shortly after Trump ended the controversial policy of separating illegal immigrant children from their parents at the border. The union's concerns range from allegations of whistleblower retaliation to offensive tweets he posted while serving at Customs and Border Protection. ICE spokesman Vincent Picard defended Vitiello on Tuesday, saying the Twitter posts were made from a private account while he was off duty, and that the Office of Special Counsel cleared him of any wrongdoing.

Reported similarly:

[CNN](#) [2/13/2019 12:41 PM, Geneva Sands]

[Law360](#) [2/13/2019 5:06 PM, Staff]

[Salon](#) [2/13/2019 3:48 PM, Matthew Rozsa, 758K]

[Independent](#) [2/13/2019 12:30 PM, Chris Baynes, UK]

### **Border agents overwhelmed as Texas begins processing migrant caravan**

[FOX News](#) [2/13/2019 4:12 PM, Maggie Kerkman and Casey Stegall, 9216K] reports even before the migrant caravan arrived last week, this area, like many along the southern border, was busy. But then 1,800 people arrived, mostly Honduran, across the river in Piedras Negras, Mexico and a normally hectic day became impossible to manage. FOX



News recently visited this part of the border. Reporters saw when the first small group of about a dozen people from the caravan was allowed to present themselves at the U.S. border, about a week after they had arrived. Dozens of people from the prior week were already in line ahead of the caravan migrants – highlighting how busy border patrol officials were before the caravan arrived. Most in the caravan are hoping to seek asylum in the United States. Mexican officials had offered caravan members a ride for the last leg of the trip – from Saltillo in the state of Coahuila, Mexico to the border. About 50 buses transported people to the city of Piedras Negras, which is just across from Eagle Pass, Texas. Once in Piedras Negras, Mexican officials brought the caravan members to an unused factory that was converted into a makeshift shelter. It is surrounded by members of the Mexican police who are not allowing anyone to leave unless they have the proper papers and can receive a Mexican visa that allows them to live and work in Mexico for up to a year. Immigrants are put on a list and when their number is called, they are sent to the U.S. border, which is located at a bridge just a few miles away. At this crossing, officers say they can process, at most, about 20 people a day. After the initial processing room, people were led to a larger area, which until recently was a conference room. Chairs had been set out and people waited to have what's called a credible fear interview. U.S. Customs and Border Protection officers don't decide who gets asylum but say they do document an immigrant's claims and start the process to contact Immigration and Customs Enforcement, which takes it from there.

[Epoch Times](#) [2/13/2019 7:08 PM, Charlotte Cuthbertson, 221K] reports the little border town of Eagle Pass, Texas, is the latest to be faced with the migrant caravan phenomenon. Its neighbors to the east, in the state's Rio Grande Valley, have become well-versed in so-called caravans-they get a caravan's worth of asylum-seekers crossing illegally every day. With a population of around 30,000, Eagle Pass has a smaller port of entry, with two international bridges and the capacity to handle only 16 to 20 asylum claims per day. So the news of 1,800 migrants, mostly from Honduras, arriving across the river in Piedras Negras, Mexico, on Feb. 4 has resulted in an unprecedented show of force along the U.S. side of the Rio Grande. Local Border Patrol agents have been augmented with additional agents from nearby stations; the Texas Department of Public Safety has sent troops; the Texas National Guard has entered the fray; and the local police and sheriff's departments are involved.

### **Migrants enter U.S. in large groups near El Paso as tighter asylum controls lead them to new tactics**

[Dallas Morning News](#) [2/13/2019 8:06 PM, Alfredo Corchado, 437K, TX] reports migrant families have found the latest area to cross the border en masse and turn themselves in to U.S. authorities, right at the edge of Texas. As President Trump doubled down on his promise to build a wall to keep out drugs, gangs and caravans on Monday, a group of 311 migrants, most of them families, voluntarily turned themselves into Border Patrol agents. A Border Patrol spokesman on Wednesday said it was the first time this year that a large group crossed into the El Paso area, at the foot of the iconic Mount Cristo Rey, a 29-foot tall limestone statue of Christ that straddles two countries and three states - Chihuahua, Texas and New Mexico.

### **Mexican Authorities Are Stopping Unaccompanied Kids From Seeking Asylum In The U.S. At Every Turn**



[BuzzFeed](#) [2/13/2019 2:46 PM, Adolfo Flores, 8149K] reports Mexican authorities have been apprehending unaccompanied migrant children as they are escorted by attorneys to United States border crossings to request asylum, in some cases placing the kids in protective services where their only options are to request refuge in Mexico or be deported back to their home country. Mexican immigration agents started detaining children assisted by lawyers near the San Ysidro and Otay Mesa ports of entry on the California border in November, said Nicole Ramos, the Tijuana-based director of the border rights project at legal service provider Al Otro Lado. Previously, lawyers were able to walk minors traveling without their parents to ports of entry to request asylum from U.S. immigration officials, one of the last remaining methods for unaccompanied minors to seek protection. The apprehensions are the latest efforts by Mexican authorities to block unaccompanied children from making the difficult journey to the U.S. to seek asylum. In Tijuana, asylum seekers are told to put their names on an unofficial list and wait weeks or even months for US Customs and Border Protection agents to allow them to make a request for protection in the United States.

### **Migrants waiting in a Mexican shelter riot over long waits, poor conditions**

[NBC News](#) [2/13/2019 12:02 PM, Mariana Atencio, 4061K] reports tensions flared as roughly 1,800 Central American migrants lost patience as they waited in an improvised shelter in Mexico for a chance to apply for refuge in the United States. On Wednesday, some two dozen people broke through security barriers and rioted inside the abandoned factory complex where the Piedras Negras shelter is located, just across from Eagle Pass, Texas. Some threw pipes, tables, chairs and parts of a tent toward the Mexican officers. Mexican authorities and riot police have been present since Tuesday night after a smaller riot broke out at the facility. Migrants are complaining of harsh conditions at the shelter where they have been for more than a week. Federal and state officials are not allowing the migrants to leave the shelter unless they have a Mexican humanitarian visa, and those allowed out temporarily were taken in vans under police escort in groups of about a dozen to a nearby store to buy supplies, or to the U.S. border to file asylum claims.

### **Police Policy for Sale**

[The Appeal](#) [2/13/2019 9:35 AM, Scott Morris, 10K] reports that Gabriel Gomez Maciel was driving to church in Spokane, Washington, in 2014, when a minivan T-boned his pickup truck. The minivan driver apologized to Gomez, called police, and told the responding officer that he was at fault. When the officer arrived, she detained Gomez while she contacted U.S. Border Patrol to ask about his immigration status. Filed by the Northwest Immigrant Rights Project and the American Civil Liberties Union of Washington, the officer kept Gomez there for nearly 90 minutes before Border Patrol agents arrived. Gomez had committed no crime and had no criminal history, and Coleman didn't ask him any questions about his immigration status, according to the suit. City officials said Gomez's detention was permitted under Spokane Police Department policy, which said, "officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement is contacted and can respond to take custody within a reasonable time." The ACLU argued that the policy violated the Fourth Amendment's protections from unreasonable search and seizure and the Washington state constitution.

The policy was written by Lexipol, a California-based company that says it provides policies for approximately 3,400 police, fire, and correctional agencies in 35 states. According to an analysis published last year in the Texas Law Review, "although there are other private,



nonprofit, and government entities that draft police policies, Lexipol is now a dominant force in police policymaking across the country." In an interview, co-founder Bruce Praet rejected the ACLU's allegations that Lexipol's immigration policies were ever unconstitutional or illegal. In a 2017 blog post on Lexipol's website, Praet urged agencies not to make policy changes based on the National Consensus Policy on Use of Force. "It's striking to me because it's a moment the organization placed litigation risks above what a wide range of policy experts have declared is good policy to reduce police killings," said Joanna Schwartz, who co-wrote the Texas Law Review analysis of Lexipol. In 2017, the ACLU of Southern California sent a letter to Praet warning him that elements of the policy encouraged profiling and illegal detentions in violation of the Fourth Amendment. Lexipol has since updated its immigration policy in California to comply with the passage of Senate Bill 54, the "sanctuary state" law limiting cooperation between local law enforcement and federal immigration enforcement. Lexipol won't become more transparent unless its subscribers demand it or governments regulate it, Schwartz said.

### **[NC] Superintendent calls on CMS to rally for students 'traumatized' by recent ICE raids**

[Charlotte Observer](#) [2/13/2019 10:30 AM, Ann Doss Helms, NC] reports that students are "stressed, anguished and sleep-deprived" by a recent wave of raids targeting undocumented immigrants in Charlotte, Superintendent Clayton Wilcox said in an emotional four-minute speech Tuesday night. Wilcox told the school board that his staff will provide resources to principals, students and families for dealing with the anxiety and disruption that comes when Immigration and Customs Enforcement, or ICE, swoops in to detain and deport members of the city's large immigrant community. And he called on the district's 19,000-plus employees to rally to the aid of students and families. Last week, ICE agents detained 200 people in North Carolina, a move officials said was prompted by the decision of sheriffs in Mecklenburg and Wake counties to stop notifying federal officials of the immigration status of county inmates, the Observer reported.

### **[NC] Council Members: Should CMPD Have Called Off Checkpoint After ICE Roundup?**

[WFAE 90.7](#) [2/13/2019 7:00 AM, Steve Harrison, 11K, NC] reports two City Council members questioned whether CMPD should have delayed a traffic checkpoint that took place on the same day as a federal immigration roundup last week. Last Wednesday night, Charlotte Mecklenburg police set up a "saturation patrol" in east Charlotte. There had recently been a DWI-related traffic fatality at Central Avenue and Lansdale Drive. Earlier that day, federal immigration agents had conducted raids statewide and apprehended as many as dozen people in Charlotte. During Monday's City Council meeting, some questioned whether CMPD should have called off its checkpoint in light of the Immigration and Customs Enforcement roundup. ICE said it detained roughly 200 people statewide, including some in Charlotte. Democratic council member Braxton Winston said the checkpoint might cause immigrants to believe CMPD was working with the federal government. That might make them less likely to trust local law enforcement, Winston said. CMPD Sergeant Jesse Wood said local police were not working with ICE. Republican council member Ed Driggs criticized his colleagues for suggesting that CMPD was working with ICE – or that Charlotte police should call off checkpoints around the time of immigration enforcement. "This procedure of creating these high-intensity is part of the general responsibility of keeping roads safe," Driggs said. "And I think the idea that there was some sort of collusion with anybody else is just disrespectful to our police department."



## **[FL] Inside The Largest And Most Controversial Shelter For Migrant Children In The U.S.**

[NPR](#) [2/13/2019 10:13 AM, John Burnett] reports thousands of migrant children continue to arrive at the Southern border every month, without their parents, to ask for asylum. The government sends many of them to the Homestead, an emergency intake shelter in South Florida. That facility has come under intense scrutiny because it's the only child shelter for immigrants that's run by a for-profit corporation and the only one that isn't overseen by state regulators. On a recent tour, the shelter director took pains to show a different perspective. "We see a very different picture," says Leecia Welch, senior director of legal advocacy and child welfare at the National Center for Youth Law. She continues, "We hear stories of children who are told from the first day of their orientation that under no circumstances can they touch another child in the facility. If they do, they're told they will be written up and it could affect their immigration case."

Homestead is like no other federal children's shelter in America. Not only is it the biggest, it's the only youth sanctuary operated for a profit. Immigrant advocates fear that America's prison-industrial complex is now expanding into federal child custody. In announcing its initial public offering in filings with the Securities and Exchange Commission last fall, Homestead's parent company, Caliburn International, states that the Trump administration's "border enforcement and immigration policy is driving significant growth." In January, the Border Patrol reported more than 5,000 "unaccompanied alien children" apprehended at the border, almost all from Guatemala, El Salvador and Honduras. ORR insists that its mission is child welfare, not immigrant detention, which is the responsibility of Immigration and Customs Enforcement. Immigrant advocates say the kids are kept at those shelters for too long – an average of 67 days at Homestead – before they're released to live with a sponsor and wait for a court date.

## **[OR] Portland, Oregon, pulls out of FBI terrorism task force, following San Francisco's lead**

[FOX News](#) [2/13/2019 10:59 PM, Gregg Re] reports that over the objection of the city's police chief and mayor, Portland, Oregon's city council on Wednesday narrowly voted to stop cooperating with the FBI's Joint Terrorism Task Force (JTTF), citing alleged surveillance of left-wing activists and arguing that the partnership between local officials and federal authorities was ultimately ineffective. Distrust of law enforcement and a breakdown of local order and even hygiene are nothing new for Portland. Last summer, Portland city officials acknowledged they would clean up what residents called a "disgusting" Occupy ICE camp, set up to protest Immigration and Customs Enforcement. The JTTF has been credited with foiling more than 93 Islamist terrorist attacks and plots against the U.S. since 2001, according to the Washington, D.C.-based Heritage Foundation. "There is less chance of uncovering networks, plots, missing pieces of a puzzle, without cities participating in the JTTF," Claude Arnold, a former U.S. Immigration and Customs Enforcement special agent in charge of Homeland Security Investigations, told Fox News.

[Las Vegas Review Journal](#) [2/13/2019 10:38 PM, Mike Shoro, 145K, NV] reports that in an interview Tuesday, Metro lobbyist Chuck Callaway said that Metro will continue to notify ICE about undocumented individuals accused of more serious offenses, those with significant criminal histories and those who have been deported multiple times. Asked for comment, ICE spokeswoman Paige Hughes emailed a statement to the Review-Journal. "The partnership between the U.S. Immigration and Customs Enforcement and Las Vegas Metropolitan Police Department remains an effective program for enhancing the safety and



security of the Las Vegas communities," the statement reads in part.

Reported similarly: [Portland Tribune](#) [2/13/2019 3:00 AM, Nick Budnick, OR]

**[CA] San Diego to sue Trump administration for releasing asylum-seeking families**  
[FOX News](#) [2/13/2019 7:03 AM, Bradford Betz, 9216K] San Diego County supervisors are reportedly planning to sue the Trump administration over the widespread releases of asylum-seeking families. The county board voted on the decision during a closed-door meeting on Tuesday, two supervisors confirmed. It was not immediately clear on what grounds the lawsuit would be argued or when it would be filed. Since late October, the U.S. has been releasing asylum-seeking families so quickly that they don't even have time to make travel arrangements, merely giving them notices to appear in immigration court. U.S. Immigration and Customs Enforcement spokeswoman Lauren Mack said the agency doesn't comment on pending litigation. Previously, the agency has said it has limited authority to detain families, referring to a 20-day cap on holding children.

## Legal News

**[NC] ACLU Accuses ICE Of Retaliatory Immigration Sweep In NC**  
[Law360](#) [2/13/2019 1:15 PM, Staff] reports that the American Civil Liberties Union and other immigrant advocates accused U.S. Immigration and Customs Enforcement on Wednesday of retaliating against North Carolina sheriffs who recently ended partnerships with the agency by increasing enforcement activity, an allegation ICE officials claimed is patently false. Under so-called 287g agreements, state and local law enforcement form a partnership with ICE to carry out immigration enforcement activities, including community patrolling and referring individuals in criminal custody to the agency. A number of newly elected sheriffs in urban North Carolina counties severed those agreements in December, including Wake County's Gerald Baker, Mecklenburg County's Garry McFadden and Durham County's Clarence Birkhead. From Monday to Friday last week, ICE detained a total of 200 individuals throughout North Carolina, officials said. The enforcement operations were heavily concentrated in Wake, Mecklenburg and Durham counties, Alissa Ellis of the ACLU of North Carolina said in a press call Wednesday. Bryan Cox, an ICE spokesperson, said Wednesday that increased enforcement activity in North Carolina is not retaliatory, but rather in response to increased need. "The ACLU allegation is demonstrably false as ICE has repeatedly stated publicly this agency desires to work with its local partners to whatever extent they are willing to work with this agency, but ICE is sworn to enforce federal immigration law and will do so with or without local cooperation - the more-visible enforcement methods now taking place were forced upon this agency due to these local policy changes," he said. He noted that Sean Gallagher, the ICE Atlanta field office director, said back in December that local decisions in Mecklenburg and Wake counties to end 287g agreements would force the agency to reallocate resources toward a more visible presence in North Carolina.

Reported similarly: [Winston-Salem Journal](#) [2/13/2019 4:53 PM, John Hinton, 47K, NC]



## Enforcement News

### **Dem lawmakers call for FBI probe into Trump golf clubs' hiring of undocumented immigrants**

[The Hill](#) [2/13/2019 5:52 PM, Justin Wise, 3038K] reports a group of Democratic lawmakers are urging the FBI to investigate the Trump Organization's hiring of undocumented immigrants at the company's golf courses. "We write to you to request a thorough federal investigation into the disturbing allegations from former Trump Organization employees that demonstrate possible violations of both civil and criminal law by the Trump National Golf Club in Westchester County, New York and Bedminster, New Jersey," Rep. Raúl Grijalva wrote in a letter to FBI Director Christopher Wray. Grijalva notes in the letter "that the number of immigrants claiming they were employed illegally by the Trump Organization has risen to over 20 individuals." "It raises serious questions of criminal activity and numerous violations of employment laws... including conspiracy charges, procuring false documents, and forced and coerced labor," he said, before noting that the Trump Organization "fired these hardworking employees" as Trump advocated for "a border wall that would supposedly keep undocumented immigrants out." The workers also asked for assistance should they need protection from Immigration and Customs Enforcement.

### **[CT] Suspect accused of killing ex-girlfriend in the US illegally, ICE says**

[The Hill](#) [2/13/2019 7:01 PM, Avery Anapol, 3038K] reports federal immigration authorities said Wednesday that Javier Da Silva Rojas, a 24-year-old man accused of killing his ex-girlfriend, is in the U.S. illegally. Da Silva, a citizen of Portugal, was charged this week with kidnapping resulting in death after the body of 24-year-old Valerie Reyes was found in a suitcase in Connecticut. Immigration and Customs Enforcement said Wednesday that Da Silva entered the U.S. in May 2017 through the Visa Waiver Program, which only allows a 90-day stay for business or tourism, the Associated Press reported. Da Silva has been in the U.S. illegally since Aug. 5, 2017, according to ICE. He was arrested after allegedly using Reyes's ATM card to withdraw cash multiple times after she was killed. Da Silva will be deported after his criminal case is complete and any sentence is served, though he faces the possibility of the death penalty, according to the AP.

Reported similarly:

[FOX News](#) [2/13/2019 10:18 AM, Kathleen Joyce, 9216K]

[FOX News](#) [2/13/2019 2:43 PM, Associated Press]

### **[NY] Man facing deportation because of lawyer's mistake**

[NY1](#) [2/13/2019 5:14 AM, Staff, NY] reports that a Queens man who has a green card faces deportation to China because of his previous attorney's mistake. His detention by Immigration and Customs Enforcement prevented him from seeing the birth of his second child. Jian Chun Chen's problems started in 2012 in Wyoming when he pleaded guilty to misdemeanor possession of marijuana for personal use, and paid a fine. An immigration judge determines if a crime like that is grounds for deportation and that process was ongoing when a snowstorm hit last March. Chen was in Boston working, flights were cancelled and he had a hearing about the marijuana charge before an immigration judge. He called his lawyer to say he couldn't make it, who told him he'd take care of it. However, the lawyer did not tell the court. When Chen showed up to 26 Federal Plaza in January for what he thought would be a hearing, Immigration and Customs Enforcement locked Chen up for deportation. Last week Chen's new lawyers got a judge to re-open the case,



essentially dropping the order of deportation, but they say ICE still won't release him. We asked ICE for an explanation, and there was no immediate response. Chen does have a hearing at the end of the month. [Editorial note: consult source link for video]

### **[NY] Immigration Agents Are Making Arrests In New York's Courts**

[The Nation](#) [2/13/2019 10:48 AM, Michelle Chen] reports that in New York's courts, federal immigration agents have for the past two years been stalking immigrants, threatening to make deportation the cost of seeking justice. Such encounters between immigrants and ICE agents were rare under previous administrations, but under Trump they have jumped about 17-fold over two years. This has meant more than 200 encounters with Homeland Security, including direct arrests and eavesdropping, mostly in New York City. Not only have the number of incidents exploded; so has ICE's aggression, according to an analysis by the Immigrant Defense Project, drawn from field surveys and data collected by local community groups. Even when ICE officers merely approach an immigrant, the encounter can quickly escalate, IDP reports: "Reports of ICE using violent force to conduct arrests—slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court—have become commonplace." Despite codes of conduct mandating public disclosure of officers' identities, IDP observed, "In the vast majority of operations, ICE agents refused to identify themselves, explain why an individual is being arrested, or offer proof that they have reason to believe that the individual they're arresting is deportable."

### **[NC] CMS superintendent addresses immigrant families amid ICE arrests**

[WSOC-TV 9 Charlotte](#) [2/13/2019 6:22 PM, Elsa Gillis, 62K, NC] reports the head of Charlotte-Mecklenburg Schools said he's worried about how recent immigration arrests are impacting students. Immigration and Customs Enforcement said agents have arrested 200 people across North Carolina over the past couple of weeks. He also said CMS does not and will not ask anyone for their immigration status. On Wednesday, resources were sent to school principals to support families who may be in crisis.

### **[GA] Lawyer says rapper 21 Savage freed from immigration custody**

[Washington Post](#) [2/13/2019 2:10 PM, Associated Press] reports that a lawyer for 21 Savage says the Grammy-nominated rapper has been released from an immigration detention center in south Georgia. Immigration lawyer Tia Smith said in an email that the rapper, whose given name is She'yaa Bin Abraham-Joseph, was released Wednesday on \$100,000 bond. He had been held in the Irwin County Detention Center in Ocilla. Abraham-Joseph was arrested early Feb. 3. An immigration judge on Tuesday granted him bond. U.S. Immigration and Customs Enforcement has said the British citizen overstayed his visa and has an October 2014 felony conviction in Fulton County. His lawyers have said the 26-year-old rapper was brought to the U.S. when he was 7 and his legal status expired in 2006 through no fault of his own. They've disputed that he has a felony conviction.

[The Hill](#) [2/13/2019 2:35 PM, Justin Wise] reports that attorneys for Immigration and Customs Enforcement (ICE) have dropped an aggravated felony charge against rapper 21 Savage as cause for his deportation. ICE spokesman Bryan Cox said he legally entered the U.S. in 2005 "but subsequently failed to depart under the terms of his nonimmigrant visa."

Reported similarly:

[CNN](#) [2/13/2019 1:37 PM, Nick Valencia and Eric Levenson]

[BuzzFeed](#) [2/13/2019 2:09 PM, Hamed Aleaziz, 8149K]



**[FL] Immigration: A look inside the Florida shelter for minors**

[UPI](#) [2/13/2019 7:29 PM, Daniel Uria, 303K] reports a month after federal officials removed the last child from a facility in Texas, 1,600 unaccompanied migrant children are being housed at a so-called temporary emergency shelter in Florida. The U.S. Department of Health and Human Services invited UPI and other media on Wednesday to tour the facility in Homestead, Fla., which is located in a former Job Corps facility near the Homestead Air Reserve Base. It is used as a shelter for what HHS calls "unaccompanied alien children," or UAC – migrants between the ages of 13 and 17 who have no lawful immigration status and no legal guardians able to provide care in the United States. Since March 2018 more than 6,000 children have been placed at the site and about 4,450 have been discharged to what the department considers suitable sponsors – generally a parent or some other relative -- in the United States, according to HHS. At the time of UPI's visit, 1,575 children were being sheltered at the facility – 1,143 males and 432 females.

**[MO] Attorney for Overland woman detained by ICE says law is on her client's side**

[FOX 2 St. Louis](#) [2/13/2019 5:18 PM, Chris Regnier, 119K, MO] reports the attorney for an Overland woman facing deportation after being in the US illegally for years is turning to the courts to try and keep the woman here. Ilsa Guzman-Fajardo was arrested at the Robert A. Young Federal Building on Tuesday. Her attorney, Evita Tolu, said the law is on the side of her client. Guzman-Fajardo, a wife and mother of three, has been in the US illegally for 20 years; nearly all of that time in St. Louis. Her family and friends said she's never faced any problems until she was taken into custody at the Immigration and Customs Enforcement Office downtown. Tolu was with Guzman-Fajardo when she was arrested. She was back at the same office Wednesday to deliver an emergency motion meant to stop Guzman-Fajardo's pending deportation back to her native country of Honduras. The motion specifically argues that when Guzman-Fajardo first crossed into the US in 1999 and asked for asylum, she was given incomplete paperwork by authorities for her court hearing. Tolu claimed the paperwork did not list a specific date, place, and time for the hearing. Tolu said that violated Guzman-Fajardo's due process rights and since she did not know where to go for her hearing, the deportation order should be invalid. Tolu also filed the motion with the San Diego immigration court where Guzman-Fajardo's case was heard. A spokesperson for ICE said authorities were simply executing the judge's deportation order. [Editorial note: consult source link for video]

[KRTV](#) [2/13/2019 9:54 AM, Staff, MT] reports Guzman is now scheduled for deportation back to Honduras this week. Guzman's husband filed a petition seeking permanent residency for her shortly after they married, but that petition is still pending. If Guzman is deported before the petition is approved, Tulo said there is no chance of her returning to the United States. She has filed emergency paperwork to delay Guzman's deportation.

ICE later released a statement: "On Feb. 12, 2019, ICE deportation officers arrested Ilsa Lizeth Guzman-Fajardo, 48, a citizen of Honduras who is illegally present in the United States, based on an outstanding final order of removal (deportation order) issued by a federal immigration judge on Jan. 26, 2000. On Oct. 21, 2014, ICE officers encountered Guzman-Fajardo in St. Louis as an ICE fugitive (person with a final order who never left the U.S.) and took her into custody. ICE released her from custody on an order of supervision based on humanitarian reasons. In December 2018, a federal immigration judge denied her



motion to reopen her case. As a result, she was taken into custody, and she remains in ICE custody pending her removal to Honduras."

**[IA] Mexican man here illegally sent to prison after repeated returns to the U.S.**

[The Courier](#) [2/13/2019 10:30 AM, Staff, IA] reports that a Mexican man who used false identification documents to obtain jobs in Bremer County was sentenced Wednesday to more than three months in federal prison. Sergio Castro-Ramirez, 40, a citizen of Mexico illegally present in the United States and residing in Waterloo, received the prison term after a Dec. 17, 2018, guilty plea to two counts of unlawful use of identification documents and two counts of misuse of a Social Security number. Castro-Ramirez is being held in the United States Marshal's custody until he can be turned over to immigration officials. The case was prosecuted by Assistant United States Attorney Daniel C. Tvedt and investigated by Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations.

**[TX] Advocacy group to hold rally in Taylor against immigrant detention facility**

[Austin American Statesman](#) [2/13/2019 3:52 PM, Claire Osborn, 123K, TX] reports an advocacy group for immigrants will hold a rally Thursday outside the Taylor City Council meeting Thursday to demand answers for why the T. Don Hutto Residential Center is still open after countless reports of abuse, said one of the event's organizers. The center is located in Taylor and holds detained immigrant women. The Williamson County Commissioners Court ended their intergovernmental service agreement with the center at the end of January. CoreCivic owns and operates the center. U.S. Immigration and Customs Enforcement filed a short-term contract extension with CoreCivic for the T. Don Hutto Residential Center to remain open beyond Jan. 31, according to a statement from Adelina Pruneda, an ICE spokeswoman. ICE has declined further comment.

**[TX] Immigration Officials Have Stopped Force-Feeding Some El Paso Detainees on a Hunger Strike**

[Texas Monthly](#) [2/14/2019 4:14 AM, Robert Moore, 74K, TX] reports that two hunger strikers who have been force-fed for nearly a month at the El Paso Immigration and Customs Enforcement detention center have had their feeding tubes removed, their lawyer said at a court hearing Wednesday. A court hearing for two of the hunger strikers, Malkeet Singh and Jasvir Singh, was the first time the government has discussed the hunger strike publicly in any detail-although parts of the hearing were conducted in private. The ICE physician overseeing the force-feeding, for example, Dr. Michelle Iglesias, testified behind closed doors about the condition and status of the two men. U.S. District Judge David Guaderrama of El Paso said he would order force-feeding "only as long as needed." If the men continued their hunger strike and their condition deteriorated, he could issue another order to resume force-feeding, Guaderrama said. ICE began force-feeding hunger strikers at the El Paso ICE detention center in mid-January after they stopped eating in late December and early January. By the end of January, 11 men detained in El Paso were on hunger strikes and six were being force-fed, ICE said after The Associated Press reported on the hunger strike. The men, some who have been in ICE custody more than a year while fighting deportation, were protesting the length and conditions of their detention. ICE spokeswoman Leticia Zamarripa said Wednesday evening that she was seeking an update on the status of all the hunger strikers but was not able to immediately provide it. The United Nations Office of the High Commissioner for Human Rights expressed concern that the force-feeding could violate the U.N. Convention Against Torture.



Reported similarly: [El Paso Times](#) [2/13/2019 11:27 PM, Daniel Borunda, 15K, TX]

**[CA] ICE hunger strike protocol triggers as 29 jail detainees still refuse to eat**

[Appeal-Democrat](#) [2/13/2019 10:00 PM, Rachel Rosenbaum, CA] reports that Wednesday morning marked the ninth consecutive meal refused by some immigration detainees in the Yuba County Jail, initiating a formal protocol response from U.S. Immigration and Customs Enforcement and jail staff. Forty-six detainees started the strike Sunday to protest jail conditions and policies. By Wednesday morning, that number had dropped to 29 detainees refusing meals. On Tuesday, an activist communicating with detainees alleged jail staff had warned detainees that retaliation was on the horizon. "ICE fully respects the rights of all people to voice their opinion without interference. ICE does not retaliate in any way against hunger strikers," ICE spokesperson Richard Rocha wrote in an emailed statement to the Yuba County Sheriff's Office. "ICE explains the negative health effects of not eating to our detainees. Pursuant to our commitment to the welfare of those in the agency's custody, ICE spends more than \$250 million annually on the spectrum of healthcare services provided to ICE detainees." "ICE is committed to ensuring that those in our custody reside in safe, secure and humane environments and under appropriate conditions of confinement," according to the statement. "ICE has a strict zero-tolerance policy for any kind of abusive or inappropriate behavior in its facilities and takes any allegation seriously. The Department of Homeland Security Office of the Inspector General and ICE's Office of Professional Responsibility investigate all allegations of abuse or other misconduct. Were any such allegations to be substantiated appropriate action would be taken."

**[CA] ICE raids popular Korean market, detains 26 workers**

[FOX5 San Diego](#) [2/13/2019 1:19 PM, Matthew Meyer, 62K, CA] reports Immigration and Customs Enforcement agents raided the popular Korean grocery store Zion Market Wednesday. The market, which specializes in a variety of Asian groceries, was raided in the late morning as part of an investigation related to "the hiring and employment of individuals not legally authorized to work in the United States," an ICE spokesperson said. During the raid, 26 workers were determined to not be working in the US legally. They were temporarily taken into custody and the released pending the outcome of their immigration cases, according to ICE. "San Diego Special Agents are focused on bringing to justice those employers who knowingly break the law, and hire an illegal workforce causing unfair disadvantages to those companies that do comply," said David Shaw, special agent in charge of Homeland Security Investigations in San Diego. Any criminal charges or penalties will be coordinated through the U.S. Department of Justice.

[San Diego Union Tribune](#) [2/13/2019 10:10 PM, Wendy Fry, 214K, CA] reports that the investigation began with an audit of the company's I-9 forms - workplace documents that verify whether someone is eligible to work in the U.S., Shaw said. The special agent emphasized his unit focuses on criminal investigations. "So, if someone is smuggled into the country, and all of the sudden you pay me \$10,000 to get into the country and now you don't have the \$10,000, well, now, guess what? I'm going to make you work, so it becomes a trafficking case too," Shaw said. ICE spokeswoman Mack said the Enforcement and Removal Operations arm of the agency also assisted with the operation.

Reported similarly: [NBC 7 San Diego](#) [2/13/2019 3:19 PM, Staff, 98K, CA]



**[Guam] Guam club owner gets 12 months for harboring illegal aliens**

[Marianas Variety](#) [2/13/2019 10:30 AM, Staff, Northern Mariana Islands] reports that Shawn N. Anderson, United States attorney for the Districts of Guam and the Northern Mariana Islands, announced that defendant Sasha Sun, age 48, from Tumon, Guam, was sentenced in the District Court of Guam to 12 months imprisonment for harboring illegal aliens. The court also ordered Sun to be placed on three years of supervised release following Sun's release from custody and to pay a mandatory \$100 special assessment fee. Additionally, the court ordered the forfeiture of Sun's San Vitores Village condominium and \$74,794.00 in U.S. currency. Homeland Security Investigations' undercover operation revealed that Sun, the owner of the Joy Luck Club in Tumon, illegally employed three female aliens from Taiwan. The aliens entered Guam as tourists under the Visa Waiver Program, a program that grants entry of certain aliens into Guam for 45 days. Those entering under the program are prohibited from working while on island. However, Sun employed the female aliens as hostesses, selling \$20 drinks to men who patronized the business. Sun paid the aliens \$10 for every drink they sold. The investigation was conducted by the U.S. Department of Homeland Security, Homeland Security Investigations and the Guam Police Department.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Friday, Feb. 15, 2019**

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## Executive Office for Immigration Review

### Border Security, Foreign Aid and a Raise for Federal Workers: What You Need to Know About the Spending Package

[New York Times](#) [2/14/2019 11:02 PM, Emily Cochrane and Catie Edmondson] reports that the \$333 billion spending package Congress passed on Thursday will probably keep the government fully funded through the end of September. But it also delivers the most stinging rebuke of President Trump's vision for a wall along the southwestern border and for overhauling domestic programs.

Instead of satisfying Mr. Trump's demand for \$5.7 billion to fund more than 200 miles of steel or concrete wall, negotiators settled on a significantly more moderate agreement: \$1.375 billion for 55 miles of steel-post fencing. The president rejected a practically identical offer in December, prompting a record 35-day shutdown. The agreement, tucked into a \$49 billion bill funding the Department of Homeland Security, includes restrictions on where fencing can be built in the Rio Grande Valley and what can be used to build it. Only "existing technologies" are allowed, effectively prohibiting a concrete structure or any new prototypes that administration officials might try to put into place. Communities and towns along the border will also be able to weigh in on the location and design of the fencing. One sticking point in the negotiations was beds in detention centers, which effectively dictate how many unauthorized immigrants Immigration and Customs Enforcement can hold. Democrats say that by funding a daily average of 45,274 beds for detainees, officers will be forced to reduce the number of migrants in detention from about 49,000 to 40,000 by the end of the fiscal year. But with up to \$750 million that can be shifted to detention centers



and latitude for federal agencies in how money is used, Republicans say the number of beds could increase to as many as 58,500. The bill provides for oversight of ICE, and places numerous limits on the agency, outlining protections for pregnant detainees, requirements for publicizing data about who is in custody and prohibitions on destroying records. More than \$560 million will go toward drug inspection at ports of entry, and money has been set aside for 600 more Customs and Border Protection officers.

To address a backlog in the courts, the Executive Office for Immigration Review will receive \$563.4 million, an increase of \$59 million, for about 75 additional immigration judge teams. The agreement also includes \$415 million for humanitarian relief — medical care, transportation and food for migrants — along the southwestern border.

[Government Executive](#) [2/14/2019 5:27 PM, Eric Katz] reports that there are seven clear winners from the fiscal spending deal. Homeland Security Department Hiring: DHS was the focus of much of the debate for funding the agencies that have yet to receive full-year appropriations, and the final agreement approved some new hiring. Customs and Border Protection will see its funding increase by nearly \$1 billion over its fiscal 2018 funding level and receive \$1.375 billion for new border barrier construction. Congress has provided it with funding for 600 new customs officers and encouraged it to hire 600 more using fees the agency collects. Immigration and Customs Enforcement will have funding for 155 new criminal investigations hires and 72 employees for opioids-based investigations. The agency will have \$40 million for hiring staff to support "alternatives to detention" programs. Justice Department: Justice will see its budget jump by \$638 million and \$2.1 billion more than Trump suggested. The U.S. Attorney's Office, U.S. Marshals Service, the FBI and the Drug Enforcement Agency will all experience significant funding boosts. The Executive Office of [for] Immigration Review will receive funding for about 140 additional immigration judge teams.

## **Policy and Legislative News**

### **Senate OKs border deal; Trump will sign, declare emergency**

[Washington Post](#) [2/14/2019 4:57 PM, Alan Fram, Andrew Taylor and Jill Colvin ] reports The Senate resoundingly approved a border security compromise Thursday that ignores most of President Donald Trump's demands for building a wall with Mexico but would prevent a new government shutdown. The White House said Trump would sign it but then declare a national emergency and perhaps invoke other executive powers to try to shift money to wall-building from elsewhere in the federal budget. Congress' Democratic leaders, Speaker Nancy Pelosi in the House and Chuck Schumer in the Senate, quickly branded such a presidential declaration "a lawless act, a gross abuse of the power of the presidency and a desperate attempt to distract from the fact that President Trump broke his core promise to have Mexico pay for his wall." House passage and Trump's signature were assured for the basic spending bill compromise, which for now would stamp a bipartisan coda on a nasty melee that's dominated the initial months of power sharing in Washington. The specter of the national-emergency declaration has produced widespread opposition in Congress, but Trump is under pressure to soothe his conservative base and avoid looking like he's surrendered in his wall battle with Congress. At the White House, Press Secretary Sarah Sanders said Trump would sign the bill and take "other executive action, including a national emergency." She added, "The president is once again delivering on his promise to build the wall, protect the border, and secure our great country." Notably, the word "wall" —



which fueled many a chant at Trump campaign events and then his rallies as president — does not appear once in the compromise's 1,768 pages of legislation and explanatory materials. "Barriers" and "fencing" are the nouns of choice. The pact would also squeeze funding for Immigration and Customs Enforcement, or ICE, in an attempt to pressure the agency to gradually detain fewer immigrants. To the dismay of Democrats, it would still leave an agency many of them consider abusive holding thousands more immigrants than it did last year. The measure contains money for improved surveillance equipment, more customs agents and humanitarian aid for detained immigrants. The overall bill also provides \$330 billion to finance dozens of federal programs for the rest of the year, one-fourth of federal agency budgets.

[Breitbart](#) [2/14/2019 11:38 AM, Neil Munro, 2015K] reports that Democrat legislators added numerous aid and welfare programs in the 2019 spending bill to support the growing wave of economic migrants, even as they agreed to provide \$1,375 billion for construction of a border wall. The border spending bill for the Department of Homeland Security offers "\$192,700,000 for improved medical care, transportation, and consumables to better ensure the health and safety of migrants who are temporarily in U.S. Customs and Protection custody," according to a congressional Explanatory Statement of the provisions. Border officials are also directed to bus migrants from reception centers directly to the welcome centers run by pro-migration aid groups "within the \$114,147,000 increase above the fiscal year 2018 funding level for the Transportation and Removal Program." The legislation reopens the joint cartel-to-agency smuggling route for so-called "Unaccompanied Alien Children." The language also offers a legal shield to illegals who agree to pay cartel-affiliated smugglers to move additional children into the United States. The bill adds \$220 million to build new border reception centers for illegal migrants and asylum migrants. The extra construction money is also intended to help reduce the number of migrants who are detained until their claims for legal asylum are accepted or rejected.

The budget adds \$30 million to ensure that 100,000 migrants in the federal welcome centers can get an "Alternative to Detention" option, such as monitoring devices attached to the migrants' ankles. "ICE is directed to prioritize the use of ATD programs for families, including family case management, for which the bill provides significant additional resources. ICE should continue working with the Executive Office for Immigration Review at the Department of Justice to prioritize the adjudication time line for the cases of individuals enrolled in ATD, particularly those of families and asylum seekers." The budget also provides \$30 million to hire pro-migration groups that will guide migrants towards winning asylum: "The conferees include \$30,500,000 for the Family Case Management Program, which can help improve compliance with immigration court obligations by helping families' access community-based support for basic housing, healthcare, legal, and educational needs." The budget plan also directs the Department of Homeland Security to help pro-migration lawyers and political groups contact and aid the migrants: "The Director shall provide one or more national, nonprofit organizations that have experience advising on legal resources available to immigrants, asylum-seekers, and refugees with the location of all over-72 hour detention facilities, including those owned by ICE, by contractors, or by units of state or local government in the event such organizations are willing to identify pro bono immigration legal services providers in the area of each facility."

Reported similarly:

[Washington Post](#) [2/14/2019 5:43 PM, Mike Debonis, 9763K]

[The Hill](#) [2/14/2019 5:24 PM, Matthew Sheffield, 3038K]



[The Hill](#) [2/14/2019 1:10 PM, Tal Axelrod, 3038K]  
[The Hill](#) [2/14/2019 12:33 PM, Jordain Carney and Niv Elis, 3038K]  
[Politico](#) [2/14/2019 2:26 PM, Ted Hesson]  
[Huffington Post](#) [2/14/2019 2:39 PM, Sarah Ruiz-Grossman, 6834K]  
[Huffington Post](#) [2/14/2019 4:28 PM, Igor Bobic, Hayley Miller, Sara Boboltz, 6834K]  
[Wall Street Journal](#) [2/14/2019 3:33 PM, Kristina Peterson and Natalie Andrews]  
[CNN](#) [2/14/2019 2:53 PM, Priscilla Alvarez, 5847K]  
[CNN](#) [2/14/2019 11:03 AM, Phil Mattingly, 5847K]  
[FOX News](#) [2/14/2019 3:17 PM, Alex Pappas, 9216K]  
[Breitbart](#) [2/14/2019 5:17 PM, Staff, 2015K]  
[Washington Times](#) [2/14/2019 7:08 AM, Stephen Dinan, 527K, DC]  
[Washington Times](#) [2/14/2019 11:23 AM, Stephen Dinan, 527K, DC]  
[Washington Times](#) [2/14/2019 4:06 PM, David Sherfinski and Stephen Dinan, 527K, DC]  
[The Daily Caller](#) [2/14/2019 2:06 PM, Amber Athey and Saagar Enjeti, 867K, DC]

**An emergency declaration by Trump will lead to lawsuits. Lots of them.**

[Washington Post](#) [2/14/2019 8:58 PM, Fred Barbash, Ellen Nakashima, and Josh Dawsey, 9763K] reports that if President Trump declares a national emergency to construct a wall on the southern border, only one thing is certain: There will be lawsuits. From California to Congress, the litigants will multiply. They will file suit in numerous jurisdictions -- certainly within the U.S. Court of Appeals for the 9th Circuit on the West Coast, in U.S. District Court in Washington and maybe even in New York. White House lawyers have told Trump he could reprogram money without calling an emergency, according to the person familiar with the discussions who, like others, spoke on the condition of anonymity to discuss internal deliberations. Anyone who claims certainty about the ultimate legal outcome, which will most likely come from the Supreme Court, is playing in their own field of dreams. Almost every judge who ruled on the president's travel ban thought it an overreach of constitutional proportions motivated by racial and ethnic animus. The Supreme Court disagreed in a 5-to-4 decision last June, voting along traditional ideological lines. The ruling stressed the "deference" owed the president, particularly in matters involving immigration and claims of national security.

**Trump can find billions to use for emergency wall declaration**

[Washington Times](#) [2/14/2019 11:53 AM, Stephen Dinan and Ben Wolfgang, 527K, DC] reports that President Trump has a pool of roughly \$21 billion in military construction funds he can use to build the border wall by emergency declaration, congressional aides said Thursday — though much of that is already destined for other projects that would have to be put on hold. The White House said Thursday that the president will follow through on his threat to declare an emergency, using the Pentagon to build fencing and circumventing a Congress that just denied him most of the money he had sought. Fox News reported Mr. Trump will end up with about \$8 billion in wall money, with \$600 million coming from a Treasury Department forfeiture fund, \$2.5 billion from Pentagon drug interdiction money and \$3.5 billion from the military construction budget. He will get \$1.375 billion from the bill Congress approved. Legal challenges, and a vote to overturn the president's move are both anticipated. Details on Mr. Trump's plans were scanty, and it wasn't clear where he would build the wall, whether he will use new designs, or whether he'll be able to overcome private property and environmental hurdles that have plagued past rounds of wall-building. It wasn't clear how much money he would need, where he would build the wall, whether he will use



new designs, or whether he'll be able to overcome private property and environmental hurdles that have plagued past rounds of wall-building.

### **GOP Sen. Rick Scott urges Congress to create a path for 'Dreamers' to permanently stay in the US**

[CNBC](#) [2/14/2019 2:26 PM, Berkeley Lovelace Jr.] reports Republican Sen. Rick Scott told CNBC on Thursday that lawmakers should create a path for young undocumented immigrants brought to the U.S. as children to remain in the country legally. "Why don't we make sure they have a path to stay here?" the Florida senator asked during a "Squawk Box" interview, discussing so-called Dreamers. "We have a lot of people here from other countries under a temporary protective program. Why don't we have a permanent solution for that?" Lawmakers have long sought a solution to protect the immigrants and made it more of a priority when President Donald Trump tried to end the Obama-era Deferred Action for Childhood Arrivals in 2017. The issue of immigration became more heated last year, when the Trump administration began separating immigrant children from their parents at the U.S. border as part of a "zero tolerance" policy. Trump formally ended the policy, but some immigration advocates say children are still being separated.

### **Bob Menendez Doesn't Think Illegal Immigrants Should Be Deported For Drunk Driving.**

[Daily Wire](#) [2/14/2019 4:23 PM, Ashe Schow, 996K, CA] reports earlier this week, Sen. Bob Menendez criticized President Donald Trump for deporting illegal aliens -- including those charged with drunk driving. Menendez, appearing on the "Situation Room" with CNN's Wolf Blitzer, was asked to respond to a claim by Matt Albence, deputy director of Immigration and Customs Enforcement, who said capping the number of beds at immigration detention centers would be "extremely damaging to public safety." When asked by Blitzer how he responds to Albence's remarks, Menendez criticized the very notion of saying someone who enters the country illegally has committed a crime. "The reason that they are already 8,000 over their budgeted amount, so they're violating the budget, is because of the president's zero-tolerance policy that has turned everyone, regardless of their record, into a criminal," Menendez said. If you cross the border undocumented, he has now made you a criminal. He is creating that problem by turning people away who legitimately seek asylum." Menendez persisted: "If a person has a driving while under the influence violation, he is now making that, saying that that's a criminal.

### **Advocates Call for New Standards on Family Separations**

[National Journal](#) [2/14/2019 7:11 PM, Erin Durkin, 13K] reports that kids are being taken from their parents at the border by U.S. officials without any formal standards in place to guide their decisions, according to legal experts who are calling on Congress to take immediate action to protect vulnerable children. Immigration-policy advocates and a key administration official have told lawmakers that more guidance is needed at the border to determine when it is appropriate to separate children from their parents. House Democratic lawmakers are bringing renewed focus to the White House's "Zero Tolerance" policy, which called for prosecuting all immigration offenses related to illegal entry. Due to restrictions on holding children in detention, they were removed from their parents or guardians under "Zero Tolerance" and placed in less restrictive settings, which involved sending them to the Health and Human Services Department's Office of Refugee Resettlement shelters. Even though this policy has officially ended, an HHS official told Energy and Commerce Committee members last week that guidance would be helpful for both the Homeland



Security Department and HHS to help officials determine when separation is appropriate or needed. Republican Sen. Thom Tillis told National Journal he thinks there should be more guidance at the border to determine when families should be kept together and when they should be separated. His proposal sets mandatory standards of care for family residential centers and outlines when separation would be necessary due to abuse or trafficking, or in cases when the parent has a violent criminal background or cannot prove that they are the parent.

### **Birthright citizenship should end – it's a magnet for immigration fraud and could threaten national security**

[FOX News](#) [2/15/2019 4:00 AM, Hans A. von Spakovsky] reports that a recent federal indictment of 19 individuals on immigration fraud charges shows that a whole industry has grown up to bring pregnant women from other countries to the U.S. so their children can be born as American citizens. The 19 indicted people were charged with operating or participating in "birth tourism" agencies. According the U.S. Justice Department – which took action for the first time to break up three such agencies – the three operations in Southern California made millions of dollars bringing thousands of Chinese women to the U.S. for the sole purpose of securing birthright citizenship for their children. According to the Justice Department, the birth tourism operators engaged in immigration fraud, money laundering, tax evasion, marriage fraud and identity theft. They also allegedly "defrauded property owners when leasing the apartments and houses" used as "maternity" or "birthing" houses for the Chinese nationals to reside in while they waited to have their babies. Nicola Hanna, the U.S. attorney for the Central District of California, said the operators of these schemes showed "contempt" for the U.S. in their statements at the same time that they were "luring clients with the power and prestige of U.S. citizenship for their children." Unfortunately, many of those indicted are fugitives who will likely never be punished. They fled the U.S. and went back to China to avoid prosecution. [Editorial note: consult source link for video]

### **Former Honduran lawmaker denies he helped orchestrate migrant caravan**

[FOX News](#) [2/14/2019 5:16 PM, Elizabeth Llorente, 9216K] reports the former Honduran lawmaker who frequently has been described as one of the key organizers behind the migrant caravans that have caused a crisis in U.S. immigration policy says he's been falsely accused. "What's my role? Not an organizer. I guide, I advise, help them keep their spirits up," Bartolo Fuentes told Fox News in an exclusive telephone interview on Thursday, speaking from his home in Honduras. Fuentes, a longtime activist for immigrants, said he has lent his moral support to those planning to take part in the caravans, and accompanied them for parts of their journey. Guatemalan officials detained him on his last trip, he said, for not registering when he crossed the border.

### **A new 'freedom caravan' of primarily Cuban migrants is trying to reach U.S.**

[Miami Herald](#) [2/14/2019 8:04 PM, Mario J. Pentón, 535K, FL] reports four years after the first Cuban migration crisis in Central America, about 600 Cubans and another 120 migrants from Haiti and Africa are again in Panama as part of a "freedom caravan" to the United States. "We want to go on! We want to go on!" the migrants are seen shouting at officials of Panama's National Border Service in videos posted on social media over the weekend. Their goal is to reach the United States and ask for asylum, although U.S. regulations and policies that once benefited Cuban migrants have changed significantly. In 2017, former President Barack Obama eliminated the so-called "wet foot, dry foot" policy that allowed



most Cubans who set foot on U.S. territory to remain. Nonetheless, Cubans continue to arrive in the United States. Most request political asylum, a legal process that requires proof they would be persecuted if returned to the island. [Editorial note: consult source link for video]

**[NY] Reps. Peter King, Lee Zeldin urge county sheriffs to honor ICE detainers**

[Long Island Newsday](#) [2/14/2019 7:04 PM, Candice Ferrette, 255K, NY] reports Republican Reps. Lee Zeldin and Peter King on Thursday urged the Nassau and Suffolk County sheriffs to comply with all federal Immigration and Customs Enforcement detainer requests and maintain ICE's presence in correctional facilities. In a letter to Suffolk Sheriff Errol Toulon Jr. and Nassau Sheriff Vera Fludd, Zeldin, of Shirley, and King, of Seaford, expressed "deep concerns" about a state appellate ruling that said state and local law enforcement have no authority to arrest and detain people on behalf of ICE for deportation purposes. "This decision by the Appellate Division of New York State Supreme Court will set a dangerous precedent for sanctuary jurisdictions to legally deny compliance with ICE officials," the letter said. "Sanctuary policies that allow criminal illegal immigrants to evade justice should be denounced."

**[NC] Ministers: Ending deal with ICE is the right move for Forsyth sheriff, entire community**

[Winston-Salem Journal](#) [2/14/2019 6:54 PM, John Hinton, 47K, NC] reports a group of six ministers spoke to the Forsyth County Board of Commissioners on Thursday afternoon in support of Sheriff Bobby Kimbrough Jr. The sheriff announced last week he is severing a contract that allows U.S. Immigration and Customs Enforcement to use the Forsyth County jail for detaining people suspected of living in the country illegally. The ministers said that ICE creates fear in immigrant communities, that its officers are unconstitutionally detaining people without due process, and that the agency discourages local residents from contacting police and deputies to report crimes because they fear authorities will arrest them and turn them over to ICE. Bryan Cox, an ICE spokesman, said that the ministers' assertions about ICE are incorrect. "ICE is a federal law enforcement agency that enforces federal law as passed by Congress," Cox said in an email. "Anyone suggesting that law enforcement officers enforcing established federal law...amounts to misconduct would be mistaken." The fear in immigrant communities "is largely due to misinformation circulated as to ICE's enforcement practices that spreads inaccurate rumors about this agency," Cox said. "The reality is ICE is focused first and foremost on criminal offenders and public safety threats, and the agency does not conduct any type of random or indiscriminate enforcement. Any persons who stoke fear and misinformation by circulating inaccurate rumors about this agency do a disservice to the communities they claim to represent," Cox said. ICE agents arrested 200 people statewide last week whom they accused of being undocumented immigrants. ICE reportedly picked up nine people in Winston-Salem.

**[NC] No End in Sight for 'Retaliatory Immigration Raids' in North Carolina**

[Rewire.News](#) [2/14/2019 5:05 PM, Tina Vasquez] reports that in the span of nine days, North Carolina has seen a barrage of immigration enforcement, reportedly in response to new sheriffs' "lack of cooperation" with the U.S. government. The ramped-up enforcement appeared to begin with a workplace raid in Sanford on February 5, and continued in the small town of Hendersonville yesterday, where advocates say federal immigration authorities posed as day laborers to detain undocumented immigrants. More than 200 people were detained across North Carolina last week. Sixty of those arrests were what ICE



calls "collateral arrests" or "at-large arrests," according to the Daily News, meaning undocumented immigrants who were not the intended target of an enforcement action, but were essentially in the wrong place at the wrong time. ICE spokesperson Bryan Cox did not have current figures for the most recent apprehensions taking place in Western North Carolina this week, but did imply enforcement would be ongoing. According to Atlanta field office director Sean Gallagher, the increase in the number of raids is "a product of some of the policies that have been enacted within the state."

**[FL] First stop for migrant kids: For-profit detention center**

[Reuters](#) [2/14/2019 12:12 PM, Yeganeh Torbati and Kristina Cooke] reports that for a growing number of migrant children, the Homestead Temporary Shelter in Florida is their first home in America. It is the country's only such temporary quarters for migrant children, and the only shelter for migrant youths that is run by a for-profit company. About 35 miles south of Miami, the facility is run by Comprehensive Health Services, Inc., a private, for-profit company with a growing line of business in housing immigrant children. In a filing with the Securities and Exchange Commission last year, the firm's parent company, Caliburn International Corp., noted President Donald Trump's immigration policies were driving "significant growth." It costs approximately \$250 per day to house a migrant child at a standard, permanent shelter, said Mark Weber, an HHS spokesman. At an influx facility like Homestead, the cost is triple that – around \$750 per day. A lawsuit filed in January on behalf of migrant children by immigrant rights groups accuses HHS' Office of Refugee Resettlement of instituting "opaque and arbitrary" bureaucratic hurdles as it processes the release of the children. While some of the children detained in federal facilities over the past year were separated from their parents at the U.S.-Mexico border as part of the Trump administration's "zero tolerance" policy on illegal immigration, most crossed alone, often planning to reunite with a parent or close relative.

**[CA] L.A. sheriff wants to put tighter limits on ICE. Here's his plan to do it**

[Los Angeles Times](#) [2/14/2019 4:40 PM, Cindy Carcamo and Andrea Castillo, 3575K, CA] reports Alex Villanueva's upset victory in last fall's L.A. County sheriff's race hinged on the overwhelming support he got from immigrant rights advocates and Latino voters. By vowing to strictly limit his department's cooperation with U.S. Immigration and Customs Enforcement and keep the county jails from becoming "a pipeline for deportation," Friday he will unveil a comprehensive plan that he says will mark a "deliberate shift on immigration policy" from that of his predecessor. Among the provisions he's considering are trimming the list of misdemeanors that could be cause for deportation and reviewing whether the Sheriff's Department's website should continue publishing release dates -- information that ICE uses to stake out inmates and take them into federal custody. Thomas Giles, acting field office director for ICE Enforcement and Removal Operations in Los Angeles, said the sheriff's new restrictions on federal agents will shield immigrants in the country illegally and "encourage criminal alien activity within Los Angeles county borders." "That Sheriff Villanueva would provide sanctuary to criminal aliens evading justice in his jurisdiction mere weeks after a criminal alien was charged in the murder of Northern California police officer Ronil Singh displays a troubling set of priorities," Giles said in a prepared statement to The Times.



## Legal News

### **U.S. sends first families to Mexico to await asylum, rights groups sue**

[Reuters](#) [2/14/2019 10:00 PM, Lizbeth Diaz and Mica Rosenberg] reports that the United States began sending Central American families seeking asylum back to Mexico this week, a Mexican immigration source said on Thursday, while U.S. human rights groups sued the Trump administration, saying the policy puts migrants in danger. Five families with a total of 16 people, including children from El Salvador, Honduras and Guatemala, arrived in the Mexican border city of Tijuana on Wednesday, according to a person who works in migration for the Mexican government. Rights groups say the program endangers asylum seekers by forcing them to remain in regions of Mexico experiencing record levels of violence. The American Civil Liberties Union and immigrant rights groups filed a lawsuit on behalf of 11 anonymous asylum seekers on Thursday. The groups asked a U.S. judge to revoke the policy and order the government to bring the migrants back to the United States while their cases are processed. The 11 asylum seekers from Central America were returned to Mexico since Jan. 30 to wait out their immigration cases, and now fear for their lives, according to the complaint. The lawsuit alleges the policy endangers migrants and violates U.S. immigration and administrative law, as well as universal norms of international law. A spokesman for the U.S. Department of Justice said the government would defend the policy in court. "Congress has explicitly authorized the Department of Homeland Security to return aliens arriving from a contiguous foreign territory to that territory during that alien's immigration court proceedings," said Steven Stafford of the DOJ.

Additional reporting:

[Washington Post](#) [2/14/2019 8:35 AM, Associated Press]

[The Hill](#) [2/14/2019 5:10 PM, Rachel Frazin, 3038K]

[Bloomberg](#) [2/14/2019 4:33 PM, Edvard Pettersson]

[Law360](#) [2/14/2019 11:02 PM, Lauren Berg]

[CBS News](#) [2/14/2019 6:25 PM, Kate Smith]

[NBC News](#) [2/14/2019 4:22 PM, Julia Ainsley, 4061K]

[BuzzFeed](#) [2/14/2019 8:59 PM, Hamed Aleaziz, 8149K]

[Tucson Sentinel](#) [2/14/2019 4:43 PM, Paul Ingram, 3K, AZ]

[San Diego Union Tribune](#) [2/14/2019 10:05 AM, Kate Morrissey, 214K, CA]

### **[PA] Judge sued over calling immigration on couple's wedding day**

[Associated Press](#) [2/14/2019 12:28 PM, Mark Sciforo] reports that a man who says he was unlawfully detained on his wedding day by a Pennsylvania judge who wrongly suspected he was in the United States illegally is suing, alleging violations of his constitutional rights. Alexander Parker on Thursday sued Camp Hill-based District Judge Elizabeth Beckley, two court entities and an unidentified court officer Parker says told him he wasn't free to leave. The federal lawsuit claims Guatemala-born Parker and his fiancée went to Beckley's court office to get married in May 2017. Beckley's suspicions prompted her to call U.S. Immigration and Customs Enforcement. Parker says that after hours of being detained, federal investigators confirmed he's a legal resident. Parker's lawsuit said he "felt disrespected and diminished and was offended and disturbed that Beckley thought he was subject to deportation because he is Latino, dark-skinned and was born in Guatemala..

Reported similarly:

[FOX 43](#) [2/14/2019 2:29 PM, Staff, 18K, PA]



[Philadelphia Inquirer](#) [2/14/2019 4:51 PM, David Gambacorta, 381K, PA]

**[CA] Merced-area veteran facing deportation scores major victory, following judge's decision**

[Merced Sun-Star](#) [2/14/2019 7:21 PM, Vikaas Shanker, 14K, CA] reports a local Navy veteran who faced deportation because of a domestic violence conviction will be able to stay in the United States, following a decision by a Merced County judge Thursday. Merced County Judge Jeanne Schechter ruled Joaquin Sotelo wasn't made aware of the consequences when he pleaded no contest to domestic violence charges in 2014. The Iraq/Afghanistan vet was re-sentenced Thursday by Schechter to consecutive 364-day jail terms, which doesn't trigger federal mandatory deportation proceedings. Those terms were retroactive and expired with time served, leaving Sotelo a free man. Sotelo isn't completely safe from deportation. He must still appear in front of a federal immigration judge who could still deport him because of his state domestic violence conviction, his attorneys said. Because of Judge Schechter's decision in Merced County Superior Court on Thursday, Sotelo's chances of being deported are less likely.

**[CA] District Attorney Jackie Lacey Lauds New Unit for Immigration Fraud Convictions**

[El Monte Examiner](#) [2/14/2019 4:00 PM, Staff, CA] Los Angeles County District Attorney Jackie Lacey today lauded the work of the office's Notario Fraud Unit, which is dedicated to prosecuting immigration fraud and the unlawful practice of law. "Our great diversity attracts more than our share of people seeking to manipulate and cheat some of our newest residents out of their hard-earned money," District Attorney Lacey said. "As a result, many of our neighbors may be more likely to become victims of fraud and other financial crimes due to their cultural backgrounds and economic situations." The Notario Fraud Unit prosecutes cases involving immigration fraud and the unlicensed practice of law by con artists who often collect high fees from victims without delivering any services. The term "notario" often is used interchangeably with "attorney" in some Latin American countries. In California, it is illegal for immigration consultants to call themselves "notarios" because it implies that they are licensed attorneys. The need for this specialized approach is particularly acute here, where more than a third of the county's 10 million-plus residents were born outside the United States and at least 185 languages are spoken at home, according to the latest U.S. Census Bureau data.

## **Enforcement News**

**Migrants held in northern Mexico scuffle with police guards**

[Washington Post](#) [2/14/2019 5:41 PM, Associated Press, 3K] reports police briefly scuffled with some of the 1,600 Central American migrants who have been confined at an improvised shelter in the Mexican border town of Piedras Negras, across from Eagle Pass, Texas. Video of Wednesday's incident shows some migrants tearing down a temporary awning and trying to wrestle metal barricades away from police. The government of the border state of Coahuila said the situation was brought under control and talks were held with the migrants, who have been confined for at least 10 days in a vacant factory building that is ringed by police and soldiers. Authorities said some of the migrants were angry about not being allowed out to go to a local store. They said about 30 were later permitted to go to the store, where migrants buy supplies to supplement the food they are given at the shelter.



Coahuila's government said it would not hesitate to turn over migrants to Mexican immigration authorities for deportation if there were any more disturbances. The migrants want to present asylum claims in Eagle Pass, but only about a dozen per day are being allowed to do so.

**[CT] Valerie Reyes Murder Suspect Was In Country Illegally, ICE Says**

[Daily Voice](#) [2/14/2019 11:07 AM, Kathy Reakes, 16K, NY] reports Javier Da Silva was in the country illegally when he allegedly bound and stuffed the body of 24-year-old Valerie Reyes of Westchester in a suitcase and dropped it in a wooded area of Greenwich, according to officials with the Immigration and Customs Enforcement in New York. Da Silva, a citizen of Portugal, was living in Flushing, Queens when he was nabbed on Monday, Feb. 11, by FBI and local law enforcement for the brutal murder. Da Silva entered the U.S. on May 8, 2017, through the Visa Waiver Program; however, he failed to leave within the required timeframe, said Rachael Yong Yow, an ICE public affairs officer. He is currently in the custody of the U.S. Marshals Service pending criminal proceedings. Once DaSilva has been through the court system and serves any potential sentence, Yong Yow said ICE will seek to take custody. "ICE lodged a detainer with USMS Feb. 13. Pursuant to the detainer, ICE will aim to take custody of Da Silva for immediate removal when he is released from criminal custody," Yong Yow said.

[Connecticut Post](#) [2/14/2019 5:44 PM, Rob Marchant, CT] reports after he was arrested at his Queens apartment in connection with the death of a 24-year-old woman whose body was found in Greenwich, Javier Da Silva was charged with a federal crime that carries a sentence of death or life in prison. Authorities in Greenwich and New Rochelle, N.Y., are now letting the federal authorities manage the continuing investigation, and its prosecution of Da Silva. "It's in their hands," Greenwich Police Lt. John Slusarz said Thursday of the case. Since the case involved kidnapping, it was taken over by the Federal Bureau of Investigation and is being prosecuted by the U.S. attorney's office. After the kidnapping and murder of the toddler son of Charles Lindbergh in 1932, a crime that shocked the nation, kidnapping became a federal crime. The criminal statue that Da Silva was charged with is "kidnapping resulting in death." It can be punished by death, though death penalties are extremely rare in the federal system. According to U.S. Immigration and Customs Enforcement, Da Silva had overstayed his visa and was not in the country legally at the time of the killing. "A citizen of Portugal, entered the U.S. May 8, 2017, through the Visa Waiver Program; however, he failed to leave the United States within the required timeframe," said a statement from ICE.

Reported similarly: [Epoch Times](#) [2/14/2019 9:43 AM, Zachary Stieber, 221K]

**[PA] Man living in US illegally sentenced for rape of 12-year-old girl in Lancaster County**

[FOX 43 York](#) [2/14/2019 4:45 PM, Sean Naylor, 18K, PA] reports a Guatemalan national who is living in the United States illegally will serve between six and 12 years in prison for the rape of a 12-year-old girl in Quarryville, according to the borough's police department. Magdilio Diaz-Vasquez, 22, was sentenced on January 18, the same day he pleaded guilty to rape, involuntary deviate sexual intercourse, statutory sexual assault, unlawful contact with a minor and corruption of minors. Police received a report of a sexual assault of a child in the borough in January 2018. It was determined that Diaz-Vasquez sexually assaulted the child, whom he had access to due to his living arrangements, for a period of several



months, police say. Diaz-Vasquez was apprehended by U.S. Immigration and Customs Enforcement (ICE) agents from York and Philadelphia, according to police. He remained in ICE custody during the investigation. Police note that Diaz-Vasquez was deported back to Guatemala several years ago before re-entering the country. After serving his six to 12-year sentence, Diaz-Vasquez will be returned to ICE custody to await his felony deportation proceedings.

Reported similarly: [ABC27](#) [2/14/2019 3:05 PM, Myles Snyder, PA]

**[VA] Norfolk sheriff has quietly held 1,200 suspected illegal immigrants in city jail**  
[Virginian Pilot](#) [2/14/2019 6:07 PM, Jonathan Edwards, VA] reports with a firestorm over illegal immigration raging across the country, the Norfolk sheriff has been quietly working with federal authorities for more than a year to lock up hundreds of suspected illegal immigrants in the city jail. Since September 2017, Sheriff Joe Baron has held more than 1,200 people arrested by Immigration and Customs Enforcement, all while the embattled federal agency fought blowback and withstood calls from high-level officials for it to be abolished. The cooperation came as a surprise to other elected officials in Norfolk. Housing ICE detainees — or "rotating bodies," as one ICE officer put it — protects Norfolk residents from "some bad characters," Baron said. It also brings in cash. ICE has paid nearly \$382,000 to house detainees in the Norfolk jail, although state officials siphon off most of that. ICE couldn't have rounded up more than 130 suspected illegal immigrants in Northern Virginia, Charlottesville, Henrico and elsewhere during July's "Operation Eagle Shield" if they hadn't had the Norfolk jail as a place to put them, said Simon Sandoval-Moshenberg, legal director for the nonprofit Legal Aid Justice Center's immigrant advocacy program. "Norfolk right now is a key player in ICE's civil immigration enforcement, and working truly hand in glove with an agency that has been going off the rails," Sandoval-Moshenberg said. ICE agents are just doing their job by enforcing the nation's immigration laws enacted by Congress, said Russ Hott, director of the agency's enforcement and removal operations for the Washington D.C. field office, which includes Virginia. "It's dangerous and reckless to vilify the law enforcement officers who carry out that mission when the disdain is with the laws themselves," Hott said. "We're apolitical and non-partisan. We carry out what we've been tasked to do."

In 2017, ICE officials asked Baron whether he'd be willing to house their detainees in the city jail, ICE spokeswoman Carissa Cutrell said in an email. Baron and his top deputy met with an ICE official in April of that year, and the Norfolk jail started housing detainees that September, according to Sheriff's Office emails obtained by The Virginian-Pilot through a public-records request. Since then, ICE has pumped hundreds of suspected illegal immigrants through the jail before deporting them, or taking them to long-term facilities as the detainees await the outcome of their immigration cases. From January to June, ICE had been cycling 10 to several dozen detainees through the jail each month. But in July, the number spiked to nearly 200. In August, it topped 300. September: 261. Cutrell, the ICE spokeswoman, said the influx was because of a chicken pox outbreak at Farmville. But ICE emails and an internal memo from June, which were obtained by The Pilot, make no mention of chicken pox, but give other reasons for the jump in detainees. In a December interview, Baron said he made a verbal agreement with ICE officials: They would only bring over detainees who'd been before a federal immigration judge and been either denied a bond or ordered to leave the country. But that's not what happened. In December, ICE confirmed to The Pilot that many, if not all, of the detainees that have been housed in the Norfolk jail have not been before a judge at all.



**[NC] 7 NC mayors say 'ICE raids have struck terror in the hearts of many'**

[Raleigh News & Observer](#) [2/14/2019 11:20 AM, Dawn Baumgartner Vaughan, 153K, NC] reports seven North Carolina mayors have signed a letter condemning the ICE raids in the state that led to the arrest of over 200 immigrants. In a letter written by Durham Mayor Steve Schewel and signed by six other mayors, they called for the end to Immigration and Customs Enforcement raids. "The ICE raids have struck terror in the hearts of many of our valued community members. They have broken apart families, separating parents from their children," the letter says. "We cannot stop ICE from operating in our cities, but we can and must speak out against these raids which destabilize neighborhoods, traumatize children, hurt many innocent people, and create distrust of law enforcement. The negative collateral consequences of these raids on our cities is enormous," the letter says. The mayors said that more than 230 people were arrested during the raids over the past week, calling the raids "detrimental to the welcoming, stable, loving communities that we work every day to build." In a press conference last week, ICE Atlanta Field Office Director Sean Gallagher called ICE actions the "new normal," The News & Observer previously reported. "If they're in the wrong place at the wrong time, my officers will take an enforcement action," Gallagher said.

[Daily Tar Heel](#) [2/14/2019 11:36 PM, Ares Zerunyan, 18K, NC] reports that this week, Chapel Hill Mayor Pam Hemminger and Carrboro Mayor Lydia Lavelle signed a letter along with other mayors in North Carolina to condemn the recent immigration raids that have happened across the state. Approximately 200 people were arrested in North Carolina last week, according to ICE Atlanta Field Office Director Sean Gallagher in a Feb. 8 press conference. Hemminger said the local authorities have not been alerted of the operations before they happen as ICE operates under the Department of Homeland Security. Brian Cox, an ICE spokesperson, said in an email that local partners have refused to cooperate with ICE, forcing agents to adopt a "more-visible presence" in the state. "ICE has repeatedly stated publicly this agency desires to work with its local partners to whatever extent they are willing to work with this agency," he said. "But ICE is sworn to enforce federal immigration law and will do so with or without local cooperation."

**[GA] 21 Savage and the 50,000 ICE Detainees**

[American Prospect](#) [2/14/2019 3:34 PM, Manuel Madrid, 28K] reports rapper 21 Savage could not be counted among the throng of artists and celebrities looking on from the audience at Sunday's Grammy awards in Los Angeles. Instead, the Atlanta-based artist, real name She'ya Bin Abraham-Joseph, spent the day locked up in an immigrant detention center in Georgia. Immigration and Customs Enforcement took 21 Savage into custody on February 3 and subsequently placed him into deportation proceedings. The federal agency alleges that Abraham-Joseph, a citizen of the United Kingdom, is guilty of overstaying his visa and has a felony drug conviction on his record. The musician's legal representatives contested that account, arguing that Abraham-Joseph has no prior criminal convictions and that his overstay was through no fault of his own. Inside a closed hearing on Tuesday in Atlanta, Immigration Judge J. Dan Pelletier decided to release 21 Savage, whom his lawyers confirmed as a British national, on a \$100,000 bond to ensure his return to court for future hearings. He was released on Wednesday after more than a week in detention. Ultimately, the agency dropped the aggravated felony charge and is now pushing to deport the musician solely on his visa overstay. According to Charles Kuck, one of 21 Savage's legal representatives, ICE fought during the hearing to keep the rapper detained without bond, despite his clean record. ICE alleged that 21 Savage was guilty of a felony drug conviction in 2014 in Fulton County, Georgia. 21 Savage's clean record certainly helped



secure his bond, but did not free him from his deportation case, which is still pending. The median bond in 11 of the nation's 39 immigration courts is \$10,000 or more, according to a TRAC analysis of the first eight months of FY 2018. Unlike in courts dealing with criminal law, immigration judges don't have a bond schedule or formal bond pricing guidelines to go by beyond a legal minimum of \$1,500. "It's easier to give someone a \$5,000 bond if is asking for a \$10,000 bond. It's a lot harder when DHS is asking for a \$50,000 bond," says Dana Marks, former president of the National Association of Immigration Judges and a judge for more than 30 years.

[ABC News Radio](#) [2/15/2019 2:42 AM, Staff, 5K] reports that 21 Savage is sharing the harrowing details of his Immigration and Customs Enforcement detainment with Good Morning America's Linsey Davis, for the first time since his arrest earlier this month. In an exclusive clip from the interview, which will air on Friday's GMA, the 26-year-old rapper reveals that he was never informed by authorities why he was being apprehended. According to Savage, he wasn't even informed that he was being arrested when pursued by agents. When asked by Davis if he felt the operation was targeted, the rapper agreed. As previously reported, the Grammy-nominated artist was detained by ICE over Super Bowl weekend after it was alleged that he'd overstayed his visa as a U.K. national. Savage remained in a detention center for nearly 10 days and faces the possibility of deportation.

[KHHT FM](#) [2/14/2019 1:46 PM, Staff, 3K, TX] reports that 21 Savage is now out on bond after being arrested by ICE, but he still may be deported because of a law made by President Trump. Trump changed the immigration policy set by earlier presidents to where if you're waiting on your application to be approved, you must go back to your home country until approval is granted. ICE said they would drop the deportation proceedings if 21 Savage left the country voluntarily. The application takes about four years to process and 21 filed his application in 2017.

Additional reporting: [Daily Mail](#) [2/14/2019 10:25 PM, Lauren Fruen and Emily Crane, UK]

#### **[IA] Illegal alien sent to prison for using U.S. citizen's social security number to get job**

[North Iowa News](#) [2/14/2019 1:42 PM, Staff, 1K, IA] reports that a Mexican man who used false identification documents to obtain jobs was sentenced today to more than three months in federal prison. Sergio Castro-Ramirez, a citizen of Mexico illegally present in the United States and residing in Waterloo, Iowa, received the prison term after a December 17, 2018, guilty plea to two counts of unlawful use of identification documents and two counts of misuse of a social security number. Castro-Ramirez also falsely claimed to be a lawful permanent resident of the United States. In August 1996, Castro-Ramirez was first apprehended by immigration agents and was returned to Mexico. Castro-Ramirez was caught by U.S. Border Patrol agents illegally present in the United States four additional times between February 1997 and April 2001, and returned to Mexico each time. Castro-Ramirez is being held in the United States Marshal's custody until he can be turned over to immigration officials.

#### **[TX] 1300 Migrants Apprehended in South Texas in One Day – Most Since 2014**

[Breitbart](#) [2/14/2019 11:30 AM, Bob Price, 2015K] reports that Border Patrol agents in the Rio Grande Valley Sector apprehended more than 1,300 migrants in a single day this week. This represents the largest 24-hour apprehension total since June 2014. Agents assigned to



the Rio Grande Valley Sector in South Texas encountered several large groups of mostly Central American migrants on Tuesday, totaling approximately 1,300 migrants, according to Border Patrol officials. In one instance on Tuesday, McAllen Station agents encountered a "large group" of at least 100 migrants. The group consisted of family units and unaccompanied minors from El Salvador, Honduras, Guatemala, and Nicaragua, officials stated. The June 2014 apprehensions coincide with Breitbart Texas' revelation of the massive numbers of Unaccompanied Alien Children pouring into the U.S. from Central America. In January, RGV Sector agents apprehended 17,711 migrants who illegally crossed the border between ports of entry, according to the Southwest Border Migration Report published by U.S. Customs and Border Protection that month. Of those, 9,946 were family units and an additional 2,184 were unaccompanied minors.

Reported similarly: [KGBT 4](#) [2/14/2019 8:28 PM, Sydney Hernandez, 18K, TX]

**[TX] U.S. plans to build massive migrant center in El Paso aimed at holding family asylum seekers**

[Washington Post](#) [2/14/2019 7:07 PM, Robert Moore and Mary Beth Sheridan, 9763K] reports U.S. Customs and Border Protection plans to build a massive migrant processing center to reduce the time families are spending in small holding cells after they are apprehended on the Southwest border, U.S. Rep. Veronica Escobar said Thursday. Escobar said the facility would be able to house as many as 800 people at a time and could be open by spring. The new El Paso processing center would be the Trump administration's first major response to calls for an overhaul of outdated immigration detention practices on the border, and it would address concerns about how families who seek out Border Patrol agents to request asylum are held. The calls for new facilities to handle families, who last month made up the bulk of people apprehended at the border, intensified after two Guatemalan children died in December while in the custody of U.S. agents in the El Paso sector. "It's long overdue," said Escobar, who brought several Democratic lawmakers to El Paso in recent weeks to view conditions in detention cells. She said CBP Commissioner Kevin McAleenan briefed her on the plans last week.

**[TX] Southwest Key scales down downtown migrant shelter plan to just house 16-, 17-year-olds**

[Houston Chronicle](#) [2/14/2019 6:12 PM, Jasper Scherer, 3530K, TX] reports the Austin-based nonprofit that has sought for months to open a Houston shelter for unaccompanied migrant children is now proposing to house only 16- and 17-year-olds, the city announced Thursday. Southwest Key Programs, which sued the city last year over permitting issues, may now operate as a "residential" facility, months after city officials said the nonprofit should have applied for an "institutional" building permit. The nonprofit initially proposed to hold 240 immigrant children aged 17 and under at a building on Emancipation Avenue that previously had housed homeless families and those displaced by Hurricane Harvey. President Trump formally has ended his administration's policy of separating families at the U.S.-Mexico border under a "zero tolerance" immigration policy. Not all children have been reunited with their families, however. Now, Southwest Key says it will house residents "who will be capable of self-preservation without physical assistance," according to a city news release.

Reported similarly: [FOX 26 Houston](#) [2/14/2019 10:39 AM, Staff, 23K, TX]



**[TX] Texas Activists Thought They'd Kicked ICE Out of Their County. Then a Secret Deal Happened.**

[In These Times](#) [2/14/2019 9:20 AM, David Dayen] reports last June, activists in suburban Williamson County, Texas, had reason to celebrate. County commissioners had voted to terminate a contract with ICE for the privately-run T. Don Hutto Detention Center, a CoreCivic-run women's facility for asylum seekers that has long been accused of rampant abuse. While there was no guarantee that the facility would close, it felt like county officials were finally listening to local residents and former detainees, and signaling an end to detention-for-profit practices in their community. But Hutto remains open, thanks to a quiet agreement between ICE and CoreCivic. The county, and the city of Taylor where the detention center resides, have been indifferent while detainees continue to be locked up. And activists are appalled. In February 2018, Laura Monterrosa, a detainee at Hutto alleged sexual assault at the hands of a prison guard and was put into solitary confinement after speaking out. After she was released later last year, she became a powerful spokesperson for the need to close the facility. The fact that Hutto was holding women separated from their families and children after seeking asylum at the border, in addition to claims of sexual abuse and medical neglect, intensified the demands. After Grassroots Leadership began making weekly visits to county meetings, reading letters from detained women in the facility, commissioners decided that they didn't want family separation on their conscience. They declared that the intergovernmental service agreement (ISGA) with ICE to let CoreCivic run the facility was not a core function of the county, and they said the contract would expire at the end of January. Yet when the deadline rolled around, the facility did not close. ICE spokeswoman Nina Pruneda, told KXAN news in Austin that the agency "filed a short-term contract extension with CoreCivic for the T. Don Hutto Residential Facility located in Taylor, Texas, to remain open beyond Jan. 31, 2019." Pruneda gave no end date for that extension.

Additional reporting: [SPNWSAU](#) [2/14/2019 1:40 PM, Victoria Maranan, 2K, TX]

**[TX] ICE Confirms 27 Cases Of Mumps In Detention Facilities Across Texas**

[Houston Public Media](#) [2/14/2019 3:28 PM, Elizabeth Trovall, 18K, TX] reports Immigration and Customs Enforcement told News 88.7 on Thursday there are 27 confirmed cases of mumps in detention facilities across Texas. As we reported this week, there are 13 cases in the Houston area. The Houston Contract Detention Facility has eight confirmed cases and the Joe Corley Detention Facility, located in Conroe, has five cases. Seven cases of mumps among Houston ICE detainees were first reported on Saturday. The Houston Health Department said in a statement that the seven adults were detained during their infectious period, and that there was no evidence the disease was transmitted outside the facility. The remaining 14 cases of mumps are in the San Antonio Area of Responsibility, as ICE refers to the geographical sections within the state. The largest cluster of cases is at the South Texas ICE Processing Center, in Pearsall, where ten people are infected.

**[TX] ICE halts force-feeding of immigrant detainees**

[Washington Post](#) [2/15/2019 12:22 AM, Martha Mendoza and Garance Burke] reports that the U.S. government has suddenly stopped force-feeding all nine Indian immigrants on a hunger strike inside an El Paso immigration detention center, according to local reports Thursday. The dramatic reversal comes as public pressure was mounting on U.S. Immigration and Customs Enforcement to halt the controversial practice, which involves feeding detainees through nasal tubes against their will. Last week, the United Nations



human rights office said the force-feeding of immigrant hunger strikers at the facility could violate the U.N. Convention Against Torture. On Wednesday, a U.S. district judge said the government had to stop force-feeding two of the detained Indian immigrants, but warned that if their health started to decline he would consider ordering force-feeding again, their attorney said Thursday. The next day, all force-feeding at the detention center near the El Paso airport stopped, according to reports in the El Paso Times and Texas Monthly.

Reported similarly: [KTSM](#) [2/14/2019 7:20 PM, Staff, TX]

**[AZ] Yuma area inundated with migrants crossing border illegally, legally**

[KOLD 13](#) [2/14/2019 10:17 PM, Staff, AZ] reports that Border Patrol agents for Yuma Sector say they have been getting about a caravan of migrants a week. Groups of more than 300 people have been crossing the U.S. / Mexican border seeking asylum and surrendering to border patrol agents. Justin Kallinger, Operations Officer with Yuma Sector Border Patrol said 97 percent of the apprehensions they make are family units or unaccompanied children. In San Luis, there are two main shelters – only open at night for sleeping and eating. There's word more migrants are making their way to the area, and Martin Salgado Gamez who runs one of the shelters says they are not ready for an influx of people. He says churches and the city don't have the infrastructure or the budget to give these people the medical and sanitary attention they need. Kallinger says there's not one answer. "We need updated infrastructure, we need updated technology, we need more man power, we need specifically – the immigration laws to be changed." Migrants who turn themselves in are held at Border Patrol offices in Yuma for at least 72 hours before being turned over to Immigration and Customs Enforcement (ICE). After that, migrants are held in detention centers for up to 20 days before being released and told to come back at a later date to face an immigration judge.

**[CA] 26 detained in immigration raid at San Diego market; ICE says employer is the target**

[San Diego Union Tribune](#) [2/14/2019 9:20 AM, Wendy Fry, CA] reports undocumented workers at Zion Market in the San Diego community of Kearny Mesa were taken into custody Wednesday while special agents from U.S. Immigration and Customs Enforcement executed a federal search warrant at the business. ICE spokeswoman Lauren Mack said many of the 26 individuals detained during the operation were released before evening, although she could not confirm whether all the workers were released from custody. "The intent was they would be detained and released today pending the outcome of their immigration case," Mack said. Zion Market front manager Yongho Jun said a small group formed outside the large Korean supermarket in opposition to the ICE enforcement action. Jun said he believed the employees detained by agents from ICE's Homeland Security Investigations were mostly Asian and Latino. David Shaw, the HSI special agent in charge for San Diego, said the target of the investigation was the employer and not the employees. "Honestly, if we didn't encounter any employees, it wouldn't make a difference for our case," said Shaw. "Our case is based on the employer." Shaw said the execution of the federal search warrant was the culmination of a yearlong investigation, but the employer had not yet been arrested or charged. "One of the things we're trying to do, obviously, is protect U.S. jobs," Shaw said, "but it's also a national security issue." The investigation began with an audit of the company's I-9 forms — workplace documents that verify whether someone is eligible to work in the U.S., he said. The special agent emphasized his unit focused on criminal investigations. "So, if someone is smuggled into the country," Shaw said, "and all of



the sudden you pay me \$10,000 to get into the country and now you don't have the \$10,000, well, now, guess what? I'm going to make you work, so it becomes a trafficking case too." ICE spokeswoman Mack said the Enforcement and Removal Operations arm of the agency also assisted with the operation. In 2018, HSI opened 6,848 worksite investigations, compared with 1,691 in 2017, according to a news release about the operation.

[Law360](#) [2/14/2019 1:18 PM, Staff] reports that agents with a U.S. Immigration and Customs Enforcement unit on Wednesday detained 26 individuals working at a San Diego market as the agency investigated whether their employer was complying with federal work authorization requirements, according to an ICE announcement. ICE's Homeland Security Investigations unit detained the individuals after suspecting the workers are unauthorized to be in the United States, later releasing them as their cases began to be processed, according to the announcement. "HSI San Diego special agents are focused on bringing to justice those employers who knowingly break the law and hire an illegal workforce, causing unfair disadvantages to those companies that do comply," said David Shaw, the special agent in charge of the unit, in a statement. ICE was ostensibly at the site of the market to investigate the employer's compliance with submitting Forms I-9, which are used by federal officials to ensure that prospective employees are authorized to work in the U.S. and that employers are following correct reporting and verification protocols, according to the announcement. "Worksite enforcement operations and investigations are important for strengthening public safety and national security, while eliminating worker exploitation, child labor and other illegal practices within the workforce," Shaw said.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Tuesday, Feb. 19, 2019**

## **Executive Office for Immigration Review**

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## Executive Office for Immigration Review

### **[TX] Detained Indian And Chinese Immigrants Are More Likely To Be Released On Bond Than Mexicans, Central Americans**

[Houston Public Media](#) [2/15/2019 1:39 PM, Elizabeth Trovall, 18K, TX] reports that in Texas courts, detained Indian and Chinese immigrants get out on bond around 80 percent of the time, according to new data compiled by Syracuse University. By comparison, judges granted bond to just over half of detained Mexican immigrants. One reason that could account for the difference is criminal history. A serious criminal offense, or even in some cases a DUI, can make a judge decide not to release someone. Immigrants from India and China are less likely to have a criminal past, in large part because they haven't been here as long, according to immigration lawyer Julie Pasch, who works in deportation defense for the Houston Immigration Legal Collaborative. New research also shows discrepancies in how much money detained immigrants must pay to be released from federal custody. In Texas courts, immigrants from China and India also pay several thousand dollars more than Mexicans to be released from immigrant detention. Data provided by the Transactional Records Access Clearinghouse at Syracuse University showed that people from large Asian countries paid some of the highest bond rates. "They just tend not to have a lot of connections," said Pasch, "That, at least in my experience here in Texas, has been the main reason that immigration judges give them a higher bond than they would from individuals from Mexico because detainees from Mexico almost always have close family in the United States." [Editorial note: consult source link for audio]

## Policy and Legislative News

### **Trump declares national emergency on southern border in bid to build wall**

[Washington Post](#) [2/15/2019 8:28 PM, Damian Paletta, Mike DeBonis and John Wagner, 9763K, DC] reports President Trump on Friday declared the situation on the southern border of the United States to be a national emergency, catapulting the country into uncertain legal and political battles as he seeks to fulfill a campaign promise that eluded him for two years. He made the designation in an attempt to redirect taxpayer money from other accounts and use it to erect more than 230 miles of barriers along the U.S.-Mexico border. But Trump anticipates a flurry of legal challenges that will eventually be decided by the



Supreme Court. Democrats are trying to paint the action as evidence of a rogue president who has finally gone too far, and they vowed to stop him. Trump's announcement capped a frenetic two-month period that included the longest government shutdown in U.S. history, at 35 days; the reemergence of Democrats as a political force; and a Republican Party caught between taking signals from Trump and bucking his unconventional impulses. It also begins a new phase of his presidency that will test the separation of powers, as he sidesteps Congress despite Republicans urging restraint. During a 50-minute, meandering Rose Garden news conference, Trump offered little empirical evidence to back up his assertion that there was a crisis on the border requiring an extraordinary response. Instead, he invoked hyperbolic, campaign-style rhetoric about lawlessness that he said only walls could suitably address. "We're talking about an invasion of our country with drugs, with human traffickers, with all types of criminals and gangs," he said. He used the word "invasion" seven times. He later said the emergency declaration wasn't urgent but rather expedient, as it would help him build a wall more quickly than Congress would allow. "I didn't need to do this, but I'd rather do it much faster," he said.

The [New York Times](#) [2/15/2019 11:01 AM, Anita Isaacs and Anne Preston, 20737K] reports as congressional negotiators wrestled their way toward a compromise bill to fund the federal government this week, one sticking point emerged: the demand by Democrats to sharply reduce the number of beds for immigrants detained by Immigration and Customs Enforcement. While the details are complicated, Democrats claim that the resulting legislation, which President Trump is expected to sign Friday, will bring the number of beds to 40,520, down from 49,057. While well intentioned -- the list of problems with the immigrant detention system is long -- if the Democrats gets their way, they will likely make conditions much worse for the tens of thousands of undocumented migrants and asylum seekers in limbo on both sides of the border. Cutting back beds highlights two major objections to the detention system. First, the system is an integral component of a private prison-industrial complex owned by a handful of companies, whose profits rely on mass incarceration. Second, because of the Trump administration's criminalization of prospective asylum seekers and undocumented migrants, the vast majority of detainees are either Central American families fleeing horrific violence or law-abiding Central American and Mexican members of American society.

The [World Tribune](#) [2/15/2019 11:30 AM, Staff, 9K] reports that the Democrat-Republican "compromise" spending bill offered to President Donald Trump includes a pair of provisions that critics say will actually end up benefiting the brutal MS-13 gang and the drug cartels which smuggle the majority of drugs into the United States. Trump was set to sign the \$333 billion bipartisan spending bill on Feb. 15, delaying any chance of another partial-government shutdown until October. The deal prohibits Immigration and Customs Enforcement from detaining or deporting "a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor" of any Unaccompanied Alien Children (UAC) who have been trafficked across the border. Pro-immigration reform groups call the provision a legal shield, or de facto amnesty, to anyone claiming to be part of a household that is sponsoring a UAC, even those affiliated with the MS-13 gang. New York City Immigration and Customs Enforcement official Angel Melendez said during a roundtable discussion at the White House in February 2017 that there were nearly 21,000 "potential recruits" for MS-13 resettled across the U.S. as UACs in 2017.

Additional reporting:

[Washington Post](#) [2/15/2019 12:03 PM, Erik Wemple, 9763K, DC]



[New York Times](#) [2/15/2019 6:50 PM, Linda Qiu, 20737K]  
[The Hill](#) [2/16/2019 2:00 PM, Nolan Rappaport, 3038K]  
[The Hill](#) [2/15/2019 3:24 PM, Jordain Carney and Jordan Fabian, 3038K]  
[The Hill](#) [2/15/2019 11:42 AM, Alexander Bolton and Scott Wong, 3038K]  
[Wall Street Journal](#) [2/15/2019 3:34 PM, Michael C. Bender]  
[Bloomberg](#) [2/15/2019 3:33 PM, Michaela Ross]  
[Politico](#) [2/15/2019 12:33 PM, Staff, 2577K]  
[Politico](#) [2/15/2019 10:11 AM, Burgess Everett and Heather Caygle, 2577K]  
[FOX News](#) [2/17/2019 1:59 PM, Gregg Re, 9216K]  
[FOX News](#) [2/19/2019 12:31 AM, Gregg Re, 9216K]  
[FOX News](#) [2/15/2019 6:32 PM, Maxim Lott, 9216K]  
[NPR](#) [2/15/2019 5:00 AM, Jessica Taylor and Brian Naylor, 4491K]  
[ABC News Radio](#) [2/15/2019 6:51 AM, Staff, 5K]  
[Yahoo! News](#) [2/15/2019 9:12 PM, Caitlin Dickson, 216426K]  
[Breitbart](#) [2/15/2019 4:59 PM, John Binder, 2015K]  
[Breitbart](#) [2/15/2019 9:57 AM, Neil Munro, 2015K]  
[The White House](#) [2/15/2019 10:39 AM, President Donald J. Trump, 437K]  
[Washington Times](#) [2/17/2019 3:53 PM, David Sherfinski, 527K, DC]

### **Homan on Nat'l Emergency: Dems Had Trump 'in a Corner' Over Border Security Decision**

[FOX News](#) [2/16/2019 8:39 AM, Staff] reports President Trump made the right decision by declaring a national emergency on the southern border, Fox News contributor Tom Homan said Saturday. Trump made the announcement on Friday, just hours ahead of the midnight deadline to avoid another partial government shutdown. Homan, former acting director of Immigration and Customs Enforcement, said on Fox & Friends that Democrats put Trump "in a corner" in his decision-making. "Either sign this terrible bill or shut the government down," he said, referring to the border-security package that provides around \$1.4 billion for new barriers. Homan said that declaring a national emergency, which would divert billions of dollars toward wall construction, shows Trump is doing "the right thing" for Americans. He said that the border bill contains "terrible language" and that it protects parents and sponsors of unaccompanied minors. [Editorial note: consult source link for video]

### **Entire families of asylum seekers are being returned to Mexico, leaving them in limbo**

[Washington Post](#) [2/15/2019 9:50 PM, Sarah Kinosian and Kevin Sieff] reports that when the United States sent a handful of families seeking asylum back to Mexico on Wednesday, it marked a new chapter in America's changing asylum policy. For the first time, parents with children will have to wait in border cities while their claims are processed. Initially, in January, Mexican officials said they would not accept children sent back as a part of what are known as "Migration Protection Protocols." But the Mexican government appears to have capitulated to U.S. demands, allowing families to return as a part of the program. The American Civil Liberties Union and immigrant rights groups filed a lawsuit Thursday against the U.S. government, alleging the policy endangers migrants and violates U.S. law. The ACLU is asking a judge to allow the migrants to return to the United States while their cases are processed. Steven Stafford, a Justice Department spokesman, said the U.S. government was planning to defend the policy, which it believes was authorized by Congress. "Congress has explicitly authorized the Department of Homeland Security to return aliens arriving from a contiguous foreign territory to that territory during that alien's immigration court proceedings," Stafford said.



### **Mexico: Makeshift migrant shelter near border to close soon**

[Washington Post](#) [2/16/2019 2:52 AM, Juan Antonio Guzman Calderon] reports that an improvised shelter where hundreds of Central American migrants have been confined in the border city of Piedras Negras, across from Eagle Pass, Texas, will close next week, authorities said Saturday. Coahuila State Public Safety Secretary Jose Luis Pliego said the shelter in an abandoned factory has served its purpose, which was to provide attention to the migrants and process their migratory status. It is expected to close Wednesday, and authorities have begun taking some migrants to neighboring states such as Nuevo Leon and Tamaulipas to be incorporated into the workforce while others may seek other options to try to cross into the United States. Pliego said about 1,500 now have papers that let them move freely in Mexico. Some 400 have already been taken to other states, and about 70 were deported to their home countries for purportedly disturbing the peace.

Additional reporting:

[Wall Street Journal](#) [2/15/2019 3:36 PM, Juan Montes]

[WNYC](#) [2/18/2019 8:20 AM, Staff, NY]

### **With Trump's Tough Deterrents, Many Asylum Seekers on the Border are Giving Up**

[New York Times](#) [2/16/2019 6:21 PM, Jose A. Del Real, Caitlin Dickerson and Miriam Jordan, 20737K] reports that pushed beyond their limits by prolonged waits in dangerous and squalid conditions in parts of Northern Mexico, thousands of caravan members who had been waiting to seek asylum in the United States appear to have given up, Mexican officials said, dealing President Trump an apparent win after a humbling week for his immigration agenda. About 6,000 asylum seekers who had traveled en masse, many of them in defiance of Mr. Trump's exhortations that they were not welcome, arrived in Northern Mexico in late November as part of a caravan that originated in Honduras. More than 1,000 have accepted an offer to be returned home by the Mexican government, the officials said. Another 1,000 have decided to stay in Mexico, accepting work permits that were offered to them last fall, at the height of international consternation over how to deal with the growing presence of migrant caravans.

Reported similarly:

[The Hill](#) [2/17/2019 12:57 PM, Michael Burke, 3038K]

[Insider](#) [2/17/2019 12:29 PM, Mark Matousek, 1082K]

### **Behind The Border 'Crisis': More Migrant Families Risk Dangerous Remote Crossings**

[NPR](#) [2/15/2019 3:47 PM, Joel Rose] reports that about once a week, Border Patrol agents come across migrant groups of 100 people or more in some of the most isolated parts of the Southwest border. The White House says the situation is evidence of a broader crisis at the Southern border. But immigrant advocates say U.S. officials have exacerbated the situation at the border by limiting the number of migrants who can seek asylum at legal ports of entry. The number of illegal border crossings in Yuma today is just a fraction of what it used to be in the early 2000s. Former acting Homeland Security Secretary Elaine Duke touted the sector's turnaround in a 2017 op-ed in USA Today titled "Border Walls Work. Yuma Sector Proves It." Even as Border Patrol agents "were arresting on average 800 illegal aliens a day," Duke wrote, "we were still unable to stop the thousands of trucks filled with drugs and humans that quickly crossed a vanishing point and dispersed into communities all across the country."



## **These Migrants Wanted Asylum, Instead They Are Detained In An Old Body Bag Factory In Mexico**

[Daily Beast](#) [2/19/2019 5:16 AM, Scott Bixby and Apencer Ackerman] reports that as many as 2,000 Central American migrants have been detained in an abandoned body bag factory for more than two weeks, as the bureaucratic chaos resulting from the Trump administration's "Remain In Mexico" asylum policy spreads across both sides of the U.S.-Mexico border. The conditions inside the building in Piedras Negras, Mexico, which once manufactured body bags for the U.S. Army, have made the facility feel like a prison: lines for food that stretch for hours, concrete floors crowded with thin foam mats for sleeping, and not enough warm clothes to go around as nighttime temperatures drop below freezing. Those held in the factory "want to present for asylum, but it's unclear from Mexican authorities how that happens, and it's definitely unclear from U.S. authorities how that happens," said Joe Rivano Barros, a Refugee and Immigrant Center for Education and Legal Services (RAICES) field officer who is on-site in Piedras Negras. "They feel like prisoners, and they don't know what's going on, and nobody has explained the asylum policy to them—the process is extremely opaque."

## **'Undocumented, Unafraid' – Illegal Immigrants Protest ICE, Demand Amnesty**

[Breitbart](#) [2/15/2019 6:44 PM, Penny Starr, 2015K] reports that about 50 people showed up for a protest on Capitol Hill on Thursday to call on Congress to stop enforcing immigration laws. The group of mostly young people said all people in the country illegally should be given amnesty. Speakers called for ICE and CBP to be defunded and dismantled, despite statistics that show both are responsible for stopping thousands of criminal aliens at the border and across the country every year. In 2017, ICE agents removed more than 226,000 illegal immigrants and arrested more than 127,000 here illegally with criminal convictions or who had broken the law. That same year, 5,000 gang members were removed from the streets.[Editorial note: consult source link for video]

## **Democrats reject push to alert ICE when illegal immigrants fail firearm background checks**

[FOX News](#) [2/17/2019 3:34 PM, Gregg Re] reports Democrats this week approved legislation to require background checks for essentially all sales and transfers of firearms -- but rejected GOP-led efforts to amend the legislation to alert law enforcement authorities when gun buyers, including illegal immigrants, fail those background checks. The House Judiciary Committee voted in favor of the bill 23-15, in a strict party-line vote, sending it to the House floor. If approved by the full House, the bill would be the most significant gun-control legislation approved by either chamber of Congress in at least a decade -- although it stands little chance of passage in the Senate, where Republicans command a slim majority. Republicans in the House charged that H.R. 8, known as "The Bipartisan Background Checks Act of 2019," should have included Florida Rep. Greg Steube's proposed amendment to require that law enforcement be notified "when an individual attempting to purchase a firearm fails a federal background check."

Reported similarly: [Breitbart](#) [2/18/2019 7:44 PM, AWR Hawkins, 2015K]

## **Democrats press Trump to give Venezuelans in US reprieve from deportation**

[FOX News](#) [2/18/2019 9:27 PM, Elizabeth Llorente] reports that just hours apart on Monday, Democrats and Republicans highlighted the plight of Venezuelans, whose homeland continues to reel from political and economic chaos. With President Donald Trump and



other Republicans like Sen. Marco Rubio of Florida out front with tough rhetoric and policies aimed at weakening the socialist government of Venezuelan President Nicolas Maduro, Democrats have been criticized for dragging their feet as anti-government protesters are jailed or even killed. In a telephone press conference Monday, Florida congressional Democrats called on Trump to allow Venezuelans in the U.S. to be eligible for Temporary Protected Status (TPS). The U.S. has recognized Juan Guaido, the head of Venezuela's National Assembly, as president of Venezuela. Dozens of other countries have done so, as well, alleging that Maduro's re-election last year was fraudulent and that other government-stacked institutions such as the Supreme Court have no legal authority. Maduro's policies have helped further drive Venezuela – once one of Latin America's most stable democracies – into social, political and economic chaos. More than two million Venezuelans have left the country, and many more are expected to continue the exodus. [Editorial note: consult source link for video]

### **Trump is sending humanitarian aid to Venezuela. Venezuelans in the US say they need help, too**

[CNN](#) [2/17/2019 2:27 PM, Catherine E. Shoichet, 5847K] reports while the Trump administration sends humanitarian aid to Venezuela and ratchets up its rhetoric against Nicolas Maduro's regime, a growing group of Venezuelans who've fled to the United States are finding themselves in legal limbo and calling on Congress for help. The problem, according to lawyers and advocates, is that even as the US government grows increasingly critical of Maduro, proving an asylum case in the United States remains a tough legal mountain for anybody to climb. US deportations to Venezuela are continuing "even as the country conditions are terrible right now," says John De la Vega, an immigration attorney in Miami. Now, De la Vega says, Venezuelans seeking asylum in the United States are afraid they could lose their cases and be sent back into danger. More than 70,000 Venezuelans have come to the United States seeking asylum in the past four years, according to the United Nations. Detailed statistics about how those cases have fared aren't yet publicly available. Immigration attorneys say many are still pending due to case backlogs. Immigration and Customs Enforcement deported 336 people to Venezuela last year, a 35% increase over the previous year.

Airam Figueroa says she worries constantly that her brother is on the brink of being deported to Venezuela. A statement from US Immigration and Customs Enforcement confirmed that Figueroa has been in the agency's custody since October 10, but didn't specify why he was detained or whether he'd been ordered removed. "He remains in ICE custody pending the disposition of his immigration case," ICE spokesman Tim Oberle said. His attorney says he ended up in ICE custody after he told authorities he was afraid to return to Venezuela. To Figueroa, it doesn't make sense for the US government to decry how dangerous Venezuela has become on the one hand, while trying to deport her brother on the other. Luz Marina Méndez thought she had a clear-cut case. When the 65-year-old mechanical engineer got the official response to her application weeks later, the results weren't what she'd expected. "They told me that I didn't have enough evidence," Méndez says. Next month she has a hearing in immigration court, where she'll try to make her case again before a judge. If she loses, she could face deportation - a possibility that terrifies her. Last year, 45% of the Venezuelan asylum cases decided in US immigration court were denied.

### **[NY] Protesters gather outside Trump hotel in New York over emergency declaration**



[The Hill](#) [2/15/2019 7:17 PM, Brooke Seipel, 3038K] reports that demonstrators gathered Friday night outside the Trump International Hotel & Tower in New York to protest President Trump's national emergency declaration. A local ABC affiliate streamed the protests live, showing dozens of people sitting in the street and blocking traffic outside the hotel. Some protesters are seen wearing "Abolish ICE" vests, referring to U.S. Immigration and Customs Enforcement, and carrying "No Wall No Way" signs. According to ABC7 New York, about a dozen protesters were arrested peacefully, though the official number of arrests was not immediately made clear. The protest comes after Trump declared a national emergency on Friday to circumvent Congress and secure as much as \$8 billion in funds for his proposed border wall with Mexico.

Reported similarly: [USA Today](#) [2/16/2019 11:41 AM, Christal Hayes, 6053K]

#### **[NY] King And Zeldin Want Sheriffs Deputized By ICE**

[WSHU Public Radio](#) [2/15/2019 7:32 AM, Charles Lane, 3K, CT] reports Long Island Congressmen Peter King and Lee Zeldin want local law enforcement to be deputized to act as agents for Immigration and Customs Enforcement. The two sent a letter to the sheriffs of Suffolk and Nassau asking that they enroll in a controversial federal program, known by its statute number 287(g). The program trains local officers to investigate immigration status, arrest noncitizens, and participate in deportations. Zeldin and King say such a partnership will make Long Island safer. Critics say it scares immigrants into not reporting crimes to police.

#### **[PA] Philadelphia beats U.S. appeal in sanctuary city case**

[Reuters](#) [2/15/2019 12:53 PM, Jonathan Stempel] reports that a federal appeals court said on Friday the Trump administration cannot cut off grants to Philadelphia for its refusal to cooperate with immigration authorities seeking to deport immigrants who are in the country illegally. In a 3-0 decision, the 3rd U.S. Circuit Court of Appeals in Philadelphia said the U.S. attorney general lacked power to condition that city's receipt of \$1.6 million for local law enforcement on its compliance with three new requirements. These included alerting Immigration and Customs Enforcement officials when undocumented immigrants are being released from prison, providing access to interview immigrants, and barring the withholding of immigrants' citizenship status. In Friday's decision, Circuit Judge Marjorie Rendell said the attorney general has only limited oversight of the program for awarding the Byrne Justice Assistance Grants. "Allowing the attorney general to withhold all funds because a jurisdiction does not certify compliance with any federal law of the attorney general's choosing undermines the predictability and consistency embedded in the program's design," Rendell wrote.

Reported similarly:

[Jurist](#) [2/18/2019 7:39 AM, Austin Koltonowski, PA]

[The Inquirer](#) [2/15/2019 1:04 PM, Jeff Gammage, 381K, PA]

[1059 Sunny FM](#) [2/15/2019 12:14 PM, Pat Loeb, 146K, PA]

[Philadelphia Tribune](#) [2/17/2019 2:30 PM, John N. Mitchell, 16K, PA]

#### **[VA] ICE cooperation bills progress through Virginia legislature**

[WHSV](#) [2/15/2019 6:07 PM, Georgia Geen, 20K, VA] reports that, raising concerns from immigrant advocacy groups, two bills that would increase cooperation between local law enforcement and federal immigration authorities are advancing through the Virginia General



Assembly. HB 2270, sponsored by Republican Del. Charles Poindexter of Franklin County, would require local law enforcement officials to notify U.S. Immigration and Customs Enforcement of the release date of an immigrant "alien," or noncitizen, as soon as it is known. Poindexter said at a Feb. 1 committee hearing that ICE does not "normally pick up illegal aliens when they're released," but he thinks federal authorities should be notified and able to detain individuals based on the agency's risk assessment model. Last year, Gov. Ralph Northam vetoed a bill that would have banned "sanctuary cities," generally a term referring to localities that do not cooperate with ICE. SB 1156, introduced by Sen. Richard Black, R-Loudoun, would prohibit the establishment of any sanctuary policies.

**[NC] Commissioners approve ICE, Marshal's agreements**

[Mebane Enterprise](#) [2/15/2019 10:22 AM, Adam Powell, NC] reports that in a special-called meeting the afternoon of Thursday, February 15, the Alamance County Commissioners unanimously approved a series of measures to renew its contracts with the U.S. Marshals Service and ICE programs to hold federal inmates in the Alamance County Jail. The Commissioners held the special-called meeting in order to make sure the program was put into place and the new funds were locked in before another potential federal government shutdown. Commissioner Chair Amy Scott Galey wished to verify before voting on the ICE contract with County Attorney Clyde Albright that the new agreement doesn't conflict with the settlement agreement with the Department of Justice that was reached a few years ago. Albright explained that Alamance County has had a contract of some form with ICE going back to 2008, and it was not terminated with the termination of the controversial 287(g) program that has brought protest and frustration in recent years among some local citizens. These funds will cover the costs of detention center operations from February 15 through June 30, the end of the fiscal year.

**[GA] Trump's emergency declaration draws support, protests in Georgia**

[Atlanta Journal-Constitution](#) [2/18/2019 2:00 PM, Jeremy Redmon and Tamar Hallerman, 644K, GA] reports dozens of activists demonstrated in Atlanta on Monday afternoon against President Donald Trump's decision to declare a national emergency in order to divert billions of dollars in taxpayer funds toward border wall construction. Assembling in front of U.S. Immigration and Customs Enforcement's downtown offices, the protesters -- they numbered more than 100 around noon -- cheered when Sean Young, legal director for the American Civil Liberties Union of Georgia, announced the ACLU would file a lawsuit to block Trump's actions this week. More than 240 similar protests involving 10,000 demonstrators were planned for locations across the nation Monday, according to MoveOn.org. On Friday, Trump announced he would declare an emergency after Congress passed a spending bill with only a fraction of the border wall funding he has sought. In justifying his actions, the president said, "We're talking about an invasion of our country with drugs, with human traffickers, with all types of criminals and gangs."

Reported similarly: [Northside Neighbor](#) [2/18/2019 10:21 AM, Everett Catts, 20K, GA]

**[MN] Minnesota provides medical safety net for asylum-seekers in need of care**

[Minneapolis Star Tribune](#) [2/16/2019 8:23 PM, Maya Rao, 465K, MN] reports that Sarai Carranza Iraheta spent days lying in bed in a church basement here, paraplegic and suffering from a kidney infection. Fearful of high medical bills, her mother waited to see if she got better. Finally, an ambulance rushed her 130 miles east to HCMC in Minneapolis. The family, originally from El Salvador, crossed the U.S. border in May along with a caravan



of others seeking asylum. As their case winds through the overloaded immigration courts, Sarai's predicament highlights the difficulties that impoverished asylum-seekers face in caring for ill family members without access to health insurance or authorization to work. It also reveals the challenges of a health care system that is legally required to care for anyone who comes to the emergency room regardless of their immigration status. While Sarai's undocumented status makes her ineligible for nearly all types of public assistance, taxpayers will cover her medical bill through Medicaid's Emergency Medical Assistance program that covers health care emergencies for noncitizens. The state spent \$35 million on such aid last year, including \$9.6 million for nearly 900 undocumented immigrants.

**[TX] Mexican national dies in border patrol custody after asking for medical aid**

[Washington Post](#) [2/19/2019 2:16 AM, Isaac Stanley-Becker, 9763K] reports that a 45-year-old Mexican national detained by U.S. Customs and Border Protection died Monday at a medical facility in McAllen, Tex., after twice asking for medical attention, the agency reported. The adult's passing followed the deaths in December of two migrant children in government custody, prompting a vow from CBP to conduct health checks on all children in its "care and custody," as the agency's commissioner, Kevin K. McAleenan, said at the time. According to a statement Monday from the agency, the unnamed adult was apprehended on Feb. 2 for illegal reentry when he came into contact with authorities near the port of entry in Roma, Tex., about 50 miles northwest of McAllen. The border control agency said it was conducting a review. It had also notified the Department of Homeland Security's inspector general, responsible for oversight of the department, as well as Congress and the Mexican government. "Our condolences go out to the family and loved ones. CBP remains committed to ensuring the safe and humane treatment of those within the care of our custody," Andrew Meehan, a CBP spokesman, said in the news release.

[Washington Examiner](#) [2/18/2019 10:16 PM, Anna Giaritelli, 629K] reports that the man told Border Patrol agents during a welfare check on Feb. 3 that he needed to see a doctor and was taken to the McAllen Medical Center that day. While there, he was diagnosed with cirrhosis of the liver and congestive heart failure. He stayed at the hospital for 15 days before dying there around 9 a.m. local time Monday. Despite the center's diagnosis, CBP said the cause of death is unknown. CBP Assistant Commissioner for Public Affairs Andrew Meehan called the death "tragic" and said the Department of Homeland Security agency "remains committed to ensuring the safe and humane treatment of those within the care of our custody." Congress and the Mexican government have been notified of the Mexican citizen's death. CBP and DHS watchdog offices are investigating the death.

Additional reporting:

[New York Times](#) [2/18/2019 6:02 AM, Caitlin Dickerson, NY]

[Washington Times](#) [2/18/2019 5:14 PM, Stephen Dinan, 527K]

**[TX] Body Pulled From Rio Grande on US-Mexico Border**

[Epoch Times](#) [2/15/2019 3:53 PM, Staff, 221K] reports that U.S. border patrol agents pulled a dead man's body from the Rio Grande separating the United States and Mexico on Thursday, Feb. 14, not far from a temporary shelter in Piedras Negras, Mexico which is housing some 2,000 migrants who are mostly from Central America. It was not immediately clear if the man was staying at the shelter, but it appears he may have been trying to swim across the river to Texas before drowning. In recent days, several small groups of migrants have attempted to cross the river to reach Eagle Pass, Texas on the other side. Security



has been tight on this stretch of the border with border patrol agents making their presence known as some 2,000 Central American migrants wait to process paperwork at a temporary migrant shelter on the Mexican side of the border. Many are seeking passage into the United States, but some who have permission to stay in Mexico are considering working locally. President Donald Trump has sought to suspend the granting of asylum to migrants who cross the U.S.-Mexico border illegally, seeking fresh ways to block thousands of Central Americans traveling in caravans from entering the United States. He has also said any migrants seeking asylum will have to wait in Mexico whilst the claim is heard.

**[TX] The government is set to build a massive, \$192 million facility in El Paso to process migrant families, in the wake of 2 children's deaths in Border Patrol custody**

[MSN News US](#) [2/15/2019 4:00 PM, Michelle Mark, 49830K] reports that the Customs and Border Protection agency will soon be authorized to build a huge processing facility in El Paso, Texas that would be better equipped to hold migrant families. In the bipartisan spending bill that President Donald Trump was set to sign on Friday, Congress allocated \$192 million for the processing center. Lawmakers explicitly said the facility must be outfitted with appropriate temperature controls, and must avoid the "chain-link fence-type enclosures" that have been criticized as "cages" in the past. Since the deaths of seven-year-old Jakelin Caal Maquin and eight-year-old Felipe Gomez Alonzo, Democrats and immigration rights advocates have been demanding improved facilities at the border to accommodate the surge of migrant families seeking asylum in the US each month. The cramped facilities have long been criticized for freezing temperatures, overcrowding, and unhygienic conditions, and Trump administration officials have conceded that they were not designed to accommodate children. Rep. Veronica Escobar, a Texas Democrat, told The Washington Post on Thursday that CBP Commissioner Kevin McAleenan discussed plans for a new facility with her last week that's designed to hold up to 800 migrants at a time.

**[AZ] Life at the border: Church volunteers fill the humanitarian gap to help migrant asylum seekers in Arizona**

[Deseret Morning News](#) [2/16/2019 7:15 PM, Tad Walch, 349K, UT] reports that a bus bearing the logo of the U.S. Department of Homeland Security turned into the parking lot of a nondescript church in the Phoenix suburbs on Monday. The passengers were Central Americans detained over the weekend at the U.S.-Mexico border 175 miles to the south. A second bus without a logo turned in. ICE now releases asylum seekers almost daily to churches there. A decade-long spike in the number of families seeking asylum overwhelmed ICE last fall, according to an agency spokeswoman. Last fall, ICE began to release asylum-seeking families who aren't considered flight risks and have identifiable sponsors by the dozen in Phoenix. Someone at ICE calls someone working in an emerging, unofficial coalition of churches to say the government is ready to release more asylum seekers. Then ICE agents and a mishmash of congregations and religious volunteers work together. The biggest threat to the indefinite arrangement in the Phoenix area arose when an ICE bus dropped off 100 people at a bus depot with no warning. "ICE has alerted local and state officials and reached out to partners in the area who are prepared to provide assistance with transportation and/or other services," ICE's Arizona spokeswoman, Yasmeen Pitts O'Keefe, said in a statement. On an overcast Saturday, the new home of Casa Alitas looks exactly like the monastery it used to be. Catholic Community Services is converting the monastery into a new kind of sanctuary, one with 40 rooms reserved for Central American families released by ICE. A new van is expected every hour of the



afternoon until 80 new asylum seekers are delivered. Only about 30 percent will be granted full asylum by an immigration judge later this year.

**[NV] Las Vegas Metro implements sanctuary policy**

[Las Vegas Review Journal](#) [2/16/2019 9:00 PM, Victor Joecks, 145K, NV] reports that the Metropolitan Police Department has implemented a new sanctuary policy. It might also help prevent Nevada from becoming a sanctuary state. When Metro makes an arrest, its officers run the suspect through an Immigration and Customs Enforcement database. If the person is here illegally, Metro notifies ICE, which can request that the department detain him. It's called the 287(g) program and is used around the country. By contrast, sanctuary cities refuse to tell ICE when they have illegal aliens in custody. In December, Sheriff Joe Lombardo ordered his officers to stop notifying ICE when they had arrested an illegal alien who had only low-level traffic bench warrants. The most sympathetic people affected by the 287(g) program are illegal immigrants who are arrested for not paying traffic tickets.

**[CA] LA sheriff: Fewer crimes spur transfer to immigration agents**

[WOKV](#) [2/15/2019 2:30 PM, Staff, CA] reports that the new leader of the nation's largest sheriff's department on Friday further limited when inmates in Los Angeles County jails can be transferred to U.S. authorities for deportation. The department has reduced the number of misdemeanor charges that can trigger an inmate's transfer to U.S. Immigration and Customs Enforcement for deportation from 151 to 101, spokeswoman Nicole Nishida said. Under its so-called sanctuary law, California already limits which crimes can trigger the transfer of someone held in a county jail to federal deportation agents. Los Angeles County Sheriff Alex Villanueva previously said he would bar ICE agents from entering department facilities to conduct civil immigration matters. Thomas P. Giles, acting field office director for ICE's Enforcement and Removal Operations in Los Angeles, said in a statement that the changes would encourage criminal activity by immigrants without legal status.

## **Legal News**

**Judge bars immigration policing criteria for 2 grants**

[Washington Times](#) [2/15/2019 1:11 PM, Brian Melley, DC] reports a federal judge on Friday permanently blocked the Trump administration from imposing conditions that police departments cooperate with immigration authorities to receive law enforcement grants. The Department of Justice exceeded its authority and violated the constitution by requiring grant recipients to allow immigration authorities into jails and provide advance notice before releasing detainees suspected of being in the country illegally, Judge Manuel Real said. Real said he agreed with a related ruling from the 7th U.S. Circuit Court of Appeals in Chicago that said: "The attorney general in this case used the sword of federal funding to conscript state and local authorities to aid in federal civil immigration enforcement. But the power of the purse rests with Congress, which authorized the federal funds at issue and did not impose any immigration enforcement conditions on the receipt of such funds."

Reported similarly: [KTLA 5](#) [2/15/2019 9:50 PM, Associated Press, CA]

**[NY] State expands legal aid for detained immigrants facing deportation**

[Times Union](#) [2/17/2019 4:26 PM, Mallory Moench, 105K, NY] reports Emile was a U.S. permanent resident, a student at Buffalo State College and a restaurant manager



supporting his pregnant wife when he was arrested by U.S. Immigration and Customs Enforcement. When his employer ran a background check, ICE discovered he had a misdemeanor conviction. An immigration judge granted Emile bond, releasing him from detention. Emile is one of more than 1,100 immigrants represented under the project in four immigration courts in New York. The state announced Friday it will renew its two-year contract with the Vera Institute for Justice to continue representing detained immigrants facing deportation who can't afford a lawyer. The program is expanding this year to give representation to immigrants detained under prior deportation orders. Last December, the Vera Institute said it needed \$4.55 million to continue its work this year. The Vera Institute is also pushing for \$5.45 million in the state's 2020 budget to represent 1,000 non-detained New Yorkers unable to afford counsel for their deportation proceedings.

**[PA] Guatemalan Man Sues Pennsylvania Judge for Calling ICE on His Wedding**

[Legal Reader](#) [2/15/2019 3:20 PM, Ryan J. Farrick, 3K] reports that a Guatemalan man is suing a Pennsylvania judge, who he claims called immigration agents to investigate his wedding. Filed by Alexander Parker and the American Civil Liberties Union on Thursday, the suit names Cumberland County District Judge Elizabeth Beckley as a defendant. Parker, an early-twenties native of Guatemala, appeared before the judge with his then-fiancée Krisha Schmick in May of 2017. Beckley took issue with the man's photo I.D. Without a driver's license or passport, Parker presented an identity card provided by the Guatemalan consulate. That I.D., claims the suit, was enough to obtain a marriage license. Beckley made a phone call to the U.S. Immigration and Customs Enforcement agency, asking to do a records search on Parker. While court officers detained Parker, ICE agents were dispatched to Beckley's office. Hours later, the agency called back, confirming that Parker was a legal resident. The ACLU argues that the right to marry is guaranteed by the constitution and cannot be hindered or denied based on immigration status or concerns. The lawsuit alleges multiple abuses by Beckley and court officers, including unlawful detention, interfering with the right to marry and discrimination based on Parker's race and place of birth.

**[CO] Judge dismisses ACLU's lawsuit against Teller County Sheriff**

[KOAA-TV NBC](#) [2/18/2019 1:12 PM, Sam Kraemer, 35K, CO] reports a Fourth Judicial District judge has dismissed an ACLU lawsuit against Teller County Sheriff Jason Mikesell over his willingness to help the federal government conduct immigration detainer holds, after both parties came to an agreement to toss it out. American Civil Liberties Union (ACLU) Colorado sued the Teller County Sheriff's Office in July 2018 over the agency's decision to hold a criminal past his sentence at the request of U.S. Immigration and Customs Enforcement (ICE). The lawsuit focused on Leonardo Consecro, who was charged with a pair of misdemeanors and is no longer in jail. Then, in January, the sheriff's office entered into an agreement with ICE to train some of its jail employees to also work as immigration agents. The lawsuit was dismissed without prejudice by both parties under a dismissal by stipulation, but this does not signify the end of the legal battle. ACLU could still file a separate lawsuit against the sheriff's office, ACLU Colorado Legal Director Mark Silverstein said, once he receives future information on the program.

**[MT] Ramon sentenced to six years suspended: Man who was subject of ACLU against Sheriff takes plea agreement**

[Western News](#) [2/15/2019 5:00 AM, Rima Austin, MT] reports Eureka man Augustin Ramon, who had sued the Lincoln County Sheriff's Office in October in claiming unlawful



detainment, was given a suspended six-years sentence with the Montana Department of Corrections in Montana 19th Judicial District Court in Libby on Monday. Ramon is an immigrant with dual citizenship in Mexico and France according to court documents. In October 2018, the ACLU filed on behalf of Ramon for a temporary restraining order and preliminary injunction against former Lincoln County Sheriff Roby Bowe to force him to release Ramon on bond. Under Montana law, according to the court documents filed on behalf of Ramon, in order to detain someone as an illegal immigrant, a new arrest has to be made. That request for a temporary restraining order and preliminary injunction was denied in November by Montana 19th Judicial District Court Judge Matt Cuffe. On Dec. 11, the Montana Supreme Court denied the motion for expedited consideration. Assistant Lincoln County Attorney Jeffrey Zwang said the state recommended Ramon be sentenced to six years with the Montana Department of Corrections, with all six years suspended.

**[CA] Bay Area Legal Groups Challenge Trump's 'Remain in Mexico' Asylum Policy**  
[KQED](#) [2/15/2019 8:03 PM, Farida Jhabvala Romero, 160K, CA] reports that Bay Area legal aid organizations and a group of asylum-seekers are suing the Trump administration to block a new policy that has forced dozens of Central American migrants to return to Mexico while their immigration cases snake through U.S. courts. The legal challenge comes just weeks after the federal government began implementing the policy change, which the administration calls "Migrant Protection Protocols," at the San Diego-Tijuana border crossing. U.S. immigration authorities returned the 11 individual plaintiffs to Tijuana, where they fear for their lives, according to the complaint filed Thursday in federal court in San Francisco. Barbara Pinto, immigration policy director at Centro Legal de la Raza, said it will be extremely difficult for many Central American asylum-seekers, who don't have any resources or are homeless in Mexico, to find and keep a U.S. immigration attorney to win their case. The U.S. Department of Justice will defend the policy in court. "Congress has explicitly authorized the Department of Homeland Security to return aliens arriving from a contiguous foreign territory to that territory during that alien's immigration court proceedings," said Steven Stafford, a DOJ spokesman. Previously, migrants seeking asylum could wait in the U.S. for their claims to be resolved by an immigration judge, which can take years due the severe court backlog of more than 760,000 active cases. U.S. Department of Homeland Security Secretary Kirstjen Nielsen said the new policy aims to discourage illegal immigration by removing the "key incentive" of being allowed into the country. "Aliens trying to game the system to get into our country illegally will no longer be able to disappear into the United States, where many skip their court dates," said Nielsen while announcing the new policy in December. "Instead, they will wait for an immigration court decision while they are in Mexico."

## **Enforcement News**

**[MA] ICE detainees in Boston jail reportedly on hunger strike**  
[Boston News](#) [2/17/2019 11:22 AM, Associated Press, 673K, MA] reports that dozens of people detained by federal immigration officials are on a hunger strike at a Boston jail. Rhode Island-based community groups Alliance to Mobilize Our Resistance and the Fighting Against Natural Gas Collective say they've been in contact with about 70 detainees at the Suffolk County House of Correction who are participating in a hunger strike that began Friday. The organizations say the detainees are protesting abuse by jail officials and "inhumane conditions" such as bad food and broken bathroom fixtures. They also challenge the jail's authority to detain people on behalf of U.S. Immigration and Customs



Enforcement. The organizations say the detainees sent jail officials a list of their grievances Feb. 10.

Reported similarly:

[Boston Herald](#) [2/18/2019 7:43 PM, Sean Philip Cotter, MA]

[WBUR](#) [2/17/2019 3:17 PM, Paul Conneaney, 271K, MA]

[WGBH](#) [2/17/2019 8:17 PM, Anna Kusmer, 43K, MA]

[Uprise RI](#) [2/17/2019 11:25 AM, Staff, 1K, RI]

**[NY] Valerie Reyes' alleged killer: 'I put her in the suitcase and ran'**

[New York Post](#) [2/16/2019 2:34 PM, Ruth Weissmann, 3265K, NY] reports that the Queens man charged with killing his ex and dumping her body in Greenwich, Conn., bawled uncontrollably during a jailhouse interview Saturday, repeatedly apologizing and insisting he tried to revive her -- before he "put her in the suitcase and ran." Police say Rojas viciously killed Valerie Reyes, 24, put duct tape over her mouth, tied her limbs with twine, stuffed her body in a suitcase, and dumped the luggage like trash on Glenville Road in ritzy Greenwich. The New Rochelle woman's body was discovered on Feb. 5, and Rojas was busted last Monday because he tried to use Reyes' ATM card to withdraw \$1,000 from her bank account on Jan. 30. When asked how she died, Rojas said Reyes fell on the floor and cracked her head open during a rough sex romp in her New Rochelle apartment on Jan. 29. Rojas, who holds dual citizenship in Venezuela and Portugal, entered the US on the Visa Waiver Program -- which allows visitors "for tourism or business" to stay for 90 days or less without a visa -- on May 8, 2017, according to sources.

**[NY] Feds: Man arrested in Schenectady raid admits to being in U.S. illegally**

[Daily Gazette](#) [2/18/2019 7:43 PM, Steven Cook, NY] reports that an El Salvadoran man arrested in a December police raid at a Schenectady residence has admitted to being in the U.S. illegally, after having been previously removed from the country multiple times, records show. Efrain Diaz Alachan, 46, pleaded guilty last week to one count of illegal re-entry. He now faces up to 10 years in prison -- and then deportation. He is to be sentenced in June. Agents from Immigration and Customs Enforcement raided the apartment at 1835 Broadway at about 8 p.m. on Dec. 18 and arrested Alachan on a federal charge of re-entry of a previously removed alien. No further charges were filed as a result of the raid. Authorities had been aware of Alachan's presence in Schenectady since September, when he was discovered living at 1835 Broadway, Apartment 4, "as the result of an ongoing investigation regarding criminal street gang activity," states the federal complaint against Alachan, prepared by an ICE deportation officer.

**[NY] One New Paltz man picked up by ICE out on bail, another still in custody**

[Hudson Valley One](#) [2/15/2019 7:00 AM, Terence P. Ward, 6K, NY] reports Matthew Rojas, a local performer who was picked up by Immigration and Customs Enforcement agents on his way to a court appearance in New Paltz on November 25, was released on bail February 1. Rojas' apprehension caused an uproar, not only among friends and supporters, but New Paltz Town Board members who had passed a law declaring New Paltz a sanctuary for undocumented residents. Rojas is a member of a group which is central to the immigration debate in recent years; namely those brought illegally into this country when they were children. While some believe that their inability to come here of their own free will should be enough to give them leeway and perhaps even a path to citizenship, others



advocate for deportation to send a strong message that American immigration laws will be enforced in all cases.

**[NJ] Federal report finds serious safety, security, environmental issues at Essex County jail**

[North Jersey](#) [2/16/2019 10:38 PM, Monsy Alvarado, 102K, NJ] reports that a new inspection report found egregious security and food safety violations and poor living conditions that put an Essex County jail in serious violation of its contract with the federal government to house immigration detainees. The inspection report, published this week, summarized findings made by the Office of the Inspector General during an unannounced spot inspection to the Essex County Correctional Facility last July in an area designated to house immigration detainees for U.S. Immigration and Customs Enforcement. "While at the facility, we identified serious issues relating to safety, security, and environmental health that require ICE's immediate attention," the report states. "These issues not only constitute violations of ICE detention standards but also represent significant threats to detainee health and safety." The Inspector General recommended that ICE conduct a full review of the facility. Al Ortiz, the director of the jail, said in a statement Friday that they have taken steps to rectify the conditions. ICE said in an emailed statement that it had immediately initiated a follow-up review, and began to implement changes, such as updating food storage practices, using steam power washers to clean and disinfect housing units, and painting walls and ceilings. ICE officers also conducted a personal interview with the detainee who reported finding a loaded gun in an employee bathroom stall left behind by a security officer, according to the statement.

Reported similarly:

[News12](#) [2/16/2019 6:19 PM, Staff, 27K, NJ]

[WNYC News](#) [2/19/2019 5:10 AM, Staff, 13K, NJ]

**[PA] Erie police checking gun in bayfront shooting probe**

[Go Erie](#) [2/15/2019 4:54 PM, Tim Hahn, PA] reports a gun found in a field near the Courtyard by Marriott Erie Bayfront Hotel on Friday morning could be another key piece of evidence for city police in the ongoing investigation into a shootout among two groups of people during a reported drug deal outside of the hotel on Feb. 7. Two men were shot during the exchange of gunfire in what city police have described as a high-level drug deal gone bad. One of the wounded men, 35-year-old Chicago resident Charles W. Baizar, told detectives that he traveled from Chicago to Erie with 36-year-old Jermaine E. Belgrave and two other people to sell a kilo of heroin to a man named Greg for \$80,000. Baizar said as he approached a sport-utility vehicle that Greg arrived in, the driver of the SUV got out and started shooting, according to information in Baizar's criminal complaint. Belgrave, a resident of Belize, was facing deportation at the time of last week's shooting. According to information in Belgrave's criminal complaint filed the day after the shooting and reported on this past weekend and information provided by U.S. Immigration and Customs Enforcement officials on Thursday, special agents with the agency's Homeland Security Investigations arrested Belgrave in Chicago and charged him with immigration violations on Nov. 28, 2017. On June 19, an immigration judge ordered Belgrave removed from the United States. On Nov. 2, ICE Enforcement and Removal Operations Chicago determined that there was not a significant likelihood of Belgrave's imminent removal and released him on an order of supervision, agency officials reported. Officials said the agency will seek to effect Belgrave's removal from the U.S. following the resolution of his case in Erie. ICE Enforcement and



Removal Operations Philadelphia on Friday said it had determined that Baizar, a native of Belize, had been in the United States since March 6, 2002, on a nonimmigrant visa, but overstayed his term of admission by more than 15 years. An ICE Enforcement and Removal Operations Philadelphia spokesman said an immigration detainer has been filed on Baizar with the Erie County Prison and that ICE will seek to effect his removal from the country following the resolution of his case in Erie.

Additional reporting:

[Erie News Now](#) [2/15/2019 5:29 PM, Staff, 16K, PA]

[Go Erie](#) [2/15/2019 4:54 PM, Tim Hahn, PA]

**[PA] Mexican citizen accused of raping child in Adams County**

[FOX 43](#) [2/15/2019 4:34 PM, Sean Naylor, 18K, PA] reports that a Mexican citizen has been arrested and charged in connection with the alleged rape of a child. Police received a report of the alleged rape by the 13-year-old victim in September 2017, telling authorities the abuse began at the age of 11. The victim advised that Carlos Sebastian, now 30 years old, raped her multiple times at a home in New Oxford while she was 11 and 12 years old, the criminal complaint alleges. She added that Sebastian offered to give her money and told her not to tell anyone about the encounters, according to the criminal complaint. The case became inactive at the time of the initial report because Sebastian's location was unknown at the time, the criminal complaint says. Recently, police developed new information after Adams County Children and Youth Services received a referral for another child residing in the New Oxford home. That investigation led to Sebastian's arrest on Wednesday. Sebastian is being held in Adams County Prison on an Immigration and Customs Enforcement detainer.

Reported similarly: [Hanover Evening Sun](#) [2/15/2019 10:52 AM, Kaitlin Greenockle, 4K, PA]

**[PA] Man living in U.S. illegally sentenced for raping girl, 12, in Quarryville**

[Lancaster Online](#) [2/16/2019 7:24 PM, Staff, 51K, PA] reports that a Guatemalan national who was living illegally in Quarryville will spend 6 years to 12 years in state prison after he pleaded guilty to molesting a 12-year-girl, borough police said. Police said Magdilio Diaz-Vasquez, 22, had access to the girl "due to his living arrangements" and sexually assaulted her multiple times over several months. U.S. Immigration and Customs Enforcement agents assisted police with the investigation, which began in January 2018. In June of that year, Diaz-Vasquez was charged with rape of a child, corruption of minors, unlawful contact with a minor and six counts each of involuntary deviate sexual intercourse and statutory sexual assault. Diaz-Vasquez pleaded guilty last month to all charges, police said. Officials said Diaz-Vasquez was previously deported to Guatemala, and therefore faces felony charges from ICE for illegal re-entry into the U.S. Diaz-Vasquez was kept in ICE custody between his arrest and plea, police said. Following his prison sentence, he will be returned to ICE for deportation proceedings.

Reported similarly: [CBS 21](#) [2/15/2019 8:48 AM, Staff, 1K, PA]

**[VA] New Fairfax County Sheriff's Office notice alerts inmates that ICE is notified of inmate releases**

[Fairfax County Times](#) [2/18/2019 3:00 PM, Angela Woolsey, 2K, VA] reports that the Fairfax County Sheriff's Office notifies U.S. Immigration and Customs Enforcement authorities



when a possibly undocumented immigrant in its custody is scheduled to be released, a written notice given to inmates says. Written by the sheriff's office in collaboration with ACLU People Power Fairfax, which shared the document with media outlets, and effective as of Jan. 31, the notice states that the sheriff's office "provides ICE with advance notice" of when an inmate is released from the Fairfax County Adult Detention Center and "will transfer you to ICE if they arrive at the ADC prior to your release." If ICE agents are present at the ADC when an undocumented inmate is released, the sheriff's office transfers custody even if the charges against the individual have been dismissed or they have been granted bail, according to the notice. The notice is intended to inform inmates of their rights and the availability of legal assistance, but it also clarifies the nature of the sheriff's office's relationship with ICE. In addition to outlining how the sheriff's office responds to detainers that it receives from ICE, the notice recommends that affected inmates get an immigration lawyer to improve their chances of preventing deportation.

**[NC] Following massive NC raid, ICE arrests in Henderson stir familiar fear for some in WNC**

[Asheville Citizen-Times](#) [2/16/2019 4:00 PM, Sam DeGrave, 39K, NC] reports that a week after federal immigration agents detained more than 200 people in a massive North Carolina operation, Mayor Esther Manheimer joined the leaders of several other cities in a statement of "unwavering opposition" to Immigration and Customs Enforcement raids. Manheimer on Thursday added her name to the statement cosigned by six other mayors just a day after local organizers drew attention to ICE activity in Hendersonville, where they said immigration officials detained four men. ICE agents, on Feb. 6, arrested more than two dozen people working for a firearms-manufacturer in Sanford, North Carolina. Two days later, they detained more than 200 alleged foreign nationals, concentrated mainly in Wake and Mecklenburg counties. ICE spokesman Bryan Cox said that ICE routinely makes targeted arrests in the area. "Any suggestion that ICE activity in Western North Carolina is unusual or unique is false," Cox told the Citizen Times Wednesday afternoon. "We have a longstanding presence there and we make arrests every day." Echoing statements Sean Gallagher, director of ICE's operations in Georgia, South Carolina and North Carolina, made at a Charlotte press conference following North Carolina's recent large-scale arrests, Cox told the Citizen Times Wednesday that ICE is going to have "a more visible presence" in Wake and Mecklenburg counties. Gallagher said that his agency had no choice but to step up at-large enforcement efforts after the recently elected sheriffs of both counties severed ties with ICE. Prior to the policy changes, local law enforcement officers deputized by ICE through 287g agreements would notify federal authorities when people on their target lists were arrested. Now that ICE agents are unable to conduct interviews about citizenship status behind jail walls, they'll be conducting their business in the open, Cox said. "We don't prefer this method either, but ICE, as a federal agency, is going to enforce federal law with or without cooperation from local law enforcement agencies. We don't have a choice."

Reported similarly:

[WRAL](#) [2/15/2019 6:52 PM, Jodi Lee Glusco, NC]

[CBS17](#) [2/16/2019 9:26 PM, Zak Dahlheimer, 24K, NC]

[WFAE 90.7](#) [2/17/2019 9:01 PM, Lisa Worf, 11K, NC]

[Burlington Times-News](#) [2/15/2019 8:39 PM, Kate Croxton, 11K, NC]



### **[NC] Immigrant activists question use of work truck; ICE backs plainclothes enforcement actions**

[WRAL](#) [2/15/2019 6:52 PM, Jodi Leese Glusco, 388K, NC] reports that an activist group that supports the rights of undocumented immigrants living in the United States claimed this week that Immigration and Customs Enforcement officers were seen in Hendersonville dressed as day laborers in an effort to round up undocumented immigrants. DreamACTivist.org, a group formed by undocumented youth to protect their rights under the so-called "Dream Act," posted video of a man stepping out of a white van and talking to a man about immigration policy. Bryan Cox, an ICE spokesman based in New Orleans, told WRAL News that the agent in the video is "clearly branded." The words "POLICE" and "ICE" are visible, big and bold across the back of the man's shirt. "ICE is a non-uniformed agency. So anyone asking the question 'Why isn't this person dressed in uniform?' There is no ICE uniform," Cox said. DreamACTivist posted the video along with a petition to Gov. Roy Cooper to oppose the actions. Cox said ICE agents are simply doing their job, taking criminals off the street. "The intent of ICE officers is to conduct their targeted enforcement of federal immigration law," he said. "More than 90 percent of the persons arrested by this agency last year were either a convicted criminal or had pending criminal charges."

### **[GA] 21 Savage 'wasn't hiding' being British, feared deportation**

[Washington Post](#) [2/15/2019 1:10 PM, Associated Press] reports that the Atlanta-based rapper 21 Savage said in an interview aired Friday that he didn't talk about his British citizenship before because he didn't want to get deported. The Grammy-nominated artist, whose given name is She'yaa Bin Abraham-Joseph, was arrested Feb. 3. U.S. Immigration and Customs Enforcement called it a targeted operation. He was released from immigration custody Wednesday on a \$100,000 bond. Abraham-Joseph, now 26, told ABC's "Good Morning America" he had no idea what a visa was when his mother brought him to the U.S. at 7 years old. His lawyers have said he applied for a new visa in 2017, and his case remains pending. One of his lawyers, Charles Kuck, said earlier this week that if the case follows the normal trajectory, it could take two to three years. ICE spokesman Bryan Cox said shortly after Abraham-Joseph was taken into custody that he was arrested in a targeted operation that had been planned weeks to months in advance. Cox said at the time that Abraham-Joseph had overstayed his visa and also was convicted on felony drug charges in Fulton County, Georgia, in October 2014. Abraham-Joseph's lawyers have disputed that he has a felony conviction on his record.

Reported similarly:

[Washington Post](#) [2/15/2019 6:50 PM, Associated Press]

[New York Times](#) [2/17/2019 10:00 PM, Jon Caramanica, 20737K]

[Huffington Post](#) [2/18/2019 7:30 AM, Rebecca Shapiro, 6834K]

[NBC News](#) [2/15/2019 2:47 AM, Erik Ortiz, 4061K]

[ABC News](#) [2/15/2019 7:50 AM, Staff, 2413K]

[USA Today](#) [2/15/2019 10:43 AM, Maeve McDermott, 6053K]

[U.S. News & World Report](#) [2/15/2019 9:46 AM, Gina Cherelus]

[Breitbart](#) [2/18/2019 12:42 PM, Robert Kraychik, 2015K]

[Breitbart](#) [2/15/2019 12:57 AM, Staff, 2015K]

[Newsweek](#) [2/15/2019 1:19 PM, Janice Williams, 2656K, NY]

[Atlanta Magazine](#) [2/18/2019 7:43 PM, Jewel Wicker, GA]

[Atlanta Journal And Constitution](#) [2/15/2019 7:00 PM, Jeremy Redmon, 644K, GA]



**[FL] Millionaire Brothers Wanted by Ecuador Are Arrested in Miami by ICE**

[New York Times](#) [2/15/2019 10:25 PM, Frances Robles, 20737K] reports two millionaire fugitives from Ecuador, whose family poured hundreds of thousands of dollars into American political campaigns as they fought to stay in the United States, were arrested this week in Miami by immigration authorities, officials said Friday. Roberto and William Isaías were taken on Wednesday to a detention facility where undocumented immigrants are held pending deportation, according to the federal Immigration and Customs Enforcement agency. It was not immediately clear what prompted the authorities to make the arrests, but ICE's statement said the brothers were "unlawfully present" in the United States. The Isaías brothers were convicted of embezzlement by a court there in 2012. At one point, even the American ambassador in Ecuador lobbied for their prompt return, accusing the men of financing a \$2 million bribe to get Ecuador's attorney general to drop the case. The Isaías brothers' relatives donated tens of thousands dollars to members of the United States Congress, and \$90,000 to help re-elect President Barack Obama. The Isaías brothers are now expected to appear for a deportation hearing in immigration court, said Nestor J. Yglesias, a spokesman for ICE.

[NBC New York](#) [2/18/2019 2:46 PM, Jonathan Dienst and Tom Winter, 164K, NY] reports "U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) arrested unlawfully present Ecuadorian nationals William and Roberto Isaías in Miami Feb. 13," said Yglesias. "Both men were then transferred to ICE's Enforcement and Removal Operations and are presently in agency custody pending removal proceedings." The spokesman would not say why the arrest took place now after years of their living in large homes and running businesses in the Miami area.

Reported similarly:

[The Hill](#) [2/16/2019 8:52 AM, Tal Axelrod, 3038K]

[Associated Press](#) [2/17/2019 11:04 PM, Jennifer Kay, 55K]

[KBJR 6](#) [2/17/2019 8:57 AM, Staff, 5K, MN]

**[MS] Nearly 600 immigrants are detained at this Mississippi prison. Are they seeking asylum?**

[Mississippi Clarion Ledger](#) [2/18/2019 12:46 PM, Sarah Fowler, MS] reports as of last week, almost 600 immigrants, called prisoners by officials, are being housed at a private Mississippi prison. According to Lynzey Donahue with the U.S. Marshals Office of Public Affairs, the U.S. Marshal Service currently houses "approximately 575 prisoners" at the Tallahatchie County Correctional Facility. It is unclear how many of the 575 are being detained due to their immigration status. When asked if any of the immigrants being detained were seeking asylum, Donahue said a list of offenses could only be obtained through a Freedom of Information Act request. Bryan Cox, southern regions communications director for ICE, said, "In response to a surge in border arrivals last year, in 2018 ICE began using the Tallahatchie County Correctional Facility as a staging center to temporarily hold persons awaiting an initial hearing. "Following that initial hearing, all persons temporarily held at this location are transferred to an ICE detention center in furtherance of their immigration proceedings." Mother Jones reported the Tallahatchie jail "serves as a stopping-off point" for immigrants seeking asylum "before being transferred to detention centers that have access to immigration courts."

**[MO] Mother facing deportation makes plea from detention to stay in U.S.**



[FOX 2 Now](#) [2/19/2019 1:13 AM, Chris Regnier, 119K, MO] reports that 48-year-old Ilsa Guzman-Fajardo is behind bars facing deportation after being in the United States illegally for some 20 years with very few issues. Ilsa has three children and married last year...her now 18-year-old son was born in America. Ilsa came across at the San Ysidro checkpoint in California back in 1999. Ilsa's attorney, Evita Tolu, says Ilsa applied for asylum and also what's called temporary protective status so she could stay in the U.S. But a deportation order was filed against her in January of 2000 after she didn't show up for a court hearing. Tolu says she didn't show up because she was never given a date, place and time for the hearing from authorities. Evita thinks that should make her deportation order invalid. She has filed court documents trying to make that argument. Tolu says Ilsa had been checking in regularly with authorities for several years, so they weren't concerned about going to the 'ICE' office. Tolu says she has no definitive deportation date for Ilsa and her appeals could go on for some time. [Editorial note: consult source link for video]

**[MI] Whitmer nixes private immigrant detention center proposed in Ionia**

[Detroit Free Press](#) [2/17/2019 4:40 PM, Paul Egan, 334K, MI] reports Gov. Gretchen Whitmer nixed the sale of the former Deerfield Correctional Center to Immigration Centers of America, a private detention center operator based in Virginia, because the company couldn't guarantee the facility "would not be used to detain adults who had been separated from their children or other family members," among other concerns, said Whitmer spokeswoman Tiffany Brown. Rev. Jack Eggleston, a board member of the group Michigan United and pastor at Unity Lutheran Church in Southgate, said the center would have made it easier for Immigration and Customs Enforcement to separate families. The Free Press broke the news of the proposed private immigration detention center in October after the Michigan Land Bank Fast Track Authority called for bids on the former state prison, which closed in 2009.

Reported similarly:

[Michigan Live](#) [2/16/2019 3:00 PM, John Tunison, 480K, MI]

[Detroit News](#) [2/17/2019 12:52 PM, James David Dickson, et al., 164K, MI]

[Michigan Public Radio](#) [2/16/2019 11:21 AM, Catherine Shaffer, 31K, MI]

**[IA] Illegal alien from Honduras, caught in Wright County, sent to prison after dealing weed and sex assault**

[North Iowa Today](#) [2/15/2019 1:48 PM, Staff, 1K, IA] reports that a man who entered the United States illegally from Honduras was sentenced on February 6, 2019, to five months' in prison. Walter Redondo-Amador, age 23, from Honduras, received the sentence after a November 13, 2018, guilty plea to one count of illegal re-entry after a felony conviction. Redondo-Amador is being held in the United States Marshal's custody until he can be transported to a federal prison. The case was prosecuted by Assistant United States Attorney Kevin C. Fletcher and investigated by Enforcement and Removal Office of the Immigration and Customs Enforcement Bureau.

**[TX] ICE stops force-feeding detainees on hunger strike: report**

[The Hill](#) [2/15/2019 9:42 AM, Rachel Frazin, 3038K] reports Immigration and Customs Enforcement has stopped force-feeding detainees who are on a hunger strike, an ICE spokesperson confirmed Friday. The policy change comes after increasing criticism of ICE's practice of force-feeding the protesters with nasal feeding tubes. The United Nations human rights office last week said the policy could violate the U.N. Convention Against Torture last



week. A federal judge on Wednesday said the agency had to stop force-feeding the detainees but said he could order a reversal if the detainees' health declines, according to the Associated Press. "No hunger strikers housed in El Paso are currently being fed pursuant to court orders at this time," ICE spokesperson Leticia Zamarripa said in a statement. "Medical staff at the facility continue to closely monitor the health and vital signs of all the hunger strikers to ensure they continue to receive proper medical care." A total of 12 men who are being held in El Paso are participating in the hunger strike.

Additional reporting:

[CBS News](#) [2/15/2019 8:34 AM, Staff]

[Associated Press](#) [2/15/2019 2:54 PM, Martha Mendoza, Garance Burke, and Will Weissert]

[Newsweek](#) [2/15/2019 7:26 AM, Chantal Da Silva, 2656K, NY]

[Asbury Park Press](#) [2/15/2019 7:10 AM, Daniel Borunda, 105K, NJ]

### **[NE] Government disputes claim that ICE denied access to lawyer while interrogating man arrested in raid**

[Lincoln Journal Star](#) [2/18/2019 6:02 AM, Lori Pilger, NE] reports that an assistant U.S. Attorney shot back against allegations that she and ICE agents kept a man from seeing his lawyer last summer after he was arrested in an immigration raid at Elkhorn River Farms. "Defendant has attempted to mislead this court and defame members of HSI (Homeland Security Investigations) and the United States Attorney's Office with factually inaccurate claims that are almost too numerous to mention," Assistant U.S. Attorney Lesley Woods said in a recently filed motion in Eric Beringer's case. Earlier this month, Beringer's attorney, John Berry, called what happened an "effective hijacking of the Constitution," in a motion seeking to keep Beringer's statements from going in front of a jury. The supervisor at the farm near O'Neill is accused of conspiring with Juan Pablo Sanchez-Delgado, who allegedly ran two staffing companies, and others to help people who were in the country illegally get agricultural jobs. Berry's assertions, Woods said, are contradicted by the facts and that the evidence would show Beringer was properly advised of his right to counsel and his right to remain silent and waived them before giving a statement Aug. 8. A federal judge ultimately will decide on the allegations. A hearing is set next week.

### **[CA] Richmond man to be released from ICE detention after 2 years**

[San Francisco Chronicle](#) [2/18/2019 2:17 PM, Tatiana Sanchez, 337K, CA] reports a Richmond construction worker detained by U.S. Immigration and Customs Enforcement for two years will be freed, a federal judge ruled Friday. Raul Lopez, 46, from Guatemala was detained in March 2017 during a routine ICE check-in and taken to the West County Detention Facility in Richmond. Since his arrest, Lopez has come to terms with his alcoholism and is committed to rehabilitation, he told Judge Joseph Park. Department of Homeland Security attorney Deborah Ho cast doubt on Lopez's chances for rehabilitation. Lopez was given a final deportation order in May 2009, which he's appealed multiple times, according to ICE. He's awaiting a final decision on his latest appeal, the agency said. "The facts and circumstances around his case, including a conviction for a violent crime and four DUI convictions, deem him a threat to public safety. As a result, ICE will continue to detain him until the outcome of his appeal is determined," a spokeswoman said in a statement this month. Judge Sallie Kim granted Lopez a bond hearing late last month, saying his prolonged detention was no longer justified. Lopez immigrated to the U.S. illegally from Guatemala in 1989 and petitioned for asylum in 1993, according to Werner. He said he was defrauded in the U.S. by an individual who wasn't licensed to practice immigration law –



commonly known as notarios in Spanish.

Reported similarly:

[Bay City News](#) [2/15/2019 9:31 PM, Daniel Montes, CA]

[NBC Bay Area](#) [2/16/2019 3:20 AM, Staff, CA]

**[KS] ICE arrests KC mom outside of child custody hearing, attorneys say it's suspicious**

[KSHB-TV](#) [2/18/2019 7:23 PM, Sarah Plake, 39K, MO] reports "it was a quick message, literally two seconds: 'They've arrested her,'" Rafael Aponte said. Aponte got a call on Feb. 7 that his wife, Ulfat "Lola" Basic, was in jail. "Two men walked up to my client and said her last name and said, 'You need to come with us,'" Basic's attorney Bridget Schell said. Schell and Basic had just gotten out of a child custody hearing that Thursday morning at the Johnson County Courthouse. Basic and her ex-husband, Eden Basic, are in a bitter dispute over where their 14-year-old daughter should go to school; Kansas, where she's always gone or Missouri, where her father just moved. Two ICE agents arrested Basic in the hallway, much to her surprise. Schell says she's never seen ICE arrest anyone at civil court in Johnson or Wyandotte. Rekha Sharma-Crawford, who is now Basic's immigration attorney, said ICE arrests at courthouses have ramped up in the last two years. Courthouses are not on the list of sensitive locations ICE does not go to, like schools and churches. ICE said they target courthouses for gang members, people who pose serious safety threats, or if they can't find someone's address. This winter, dozens of former judges sent a letter to ICE asking that courthouses be added to the list. An ICE memo said its agents should generally avoid family court. Basic's attorneys are requesting the I-213 form, which is ICE's equivalent to a police report, to try to see why ICE was tipped off. Shawn Neudauer, an ICE spokesperson, would not comment why Basic was a priority for arrest and if ICE agents were not able to find her address.

**[CO] Group claims new Aurora ICE detention center is operating without a license, demands it be shut down**

[Denver Channel](#) [2/16/2019 12:00 PM, Jessica Porter, 102K, CO] reports that a group of immigration attorneys says they have proof the ICE Detention Facility in Aurora is operating their new 400-bed location without a license. Now they are calling on the City of Aurora to shut down the detention center. "Geo intentionally and very consciously said we don't want a license at East 30th Avenue," said Danielle Jefferis, counsel with Novo Legal. Geo Group opened the 400-bed facility in January, bringing the total number of beds at the two detention centers they operate in Aurora to 1,500. The law requires a business to apply for and receive a general business license for each location they operate. Novo Legal says the last license at the location of the new 400-bed facility was a transport company. The license is just the latest concern among a long list of health and safety complaints from detainees.

**[CO] Spring Fire suspect addresses court**

[Alamosa Valley Courier](#) [2/15/2019 5:13 PM, Sylvia Lobato, 1K, CO] reports a growing pile of evidence and a new defense attorney sidetracked a preliminary hearing Feb. 14 in Costilla County Court for Jesper Joergensen. A Danish immigrant, Joergensen faces nearly 200 counts of felony arson stemming from wildfires in Costilla and Huerfano counties. He was arrested June 27 near Mountain Home Reservoir and reportedly admitted he built a fire pit and cooked some meat in the area where the fire started. Retired District Judge Gregory Lyman of Durango has been assigned to the case and was in court Thursday; Lyman is



presiding following the recusal of all judges in the 12 Judicial District because a fellow employee lost her cabin in the fire. The Department of Homeland Security Immigration and Customs Enforcement has an immigration detainee on Joergensen, who is from Denmark and had an expired worker's visa when arrested.

**[CA] Hunger Strike Ends At Yuba County Jail, Sheriff Calls Claims Of Inmate Mistreatment 'Misleading'**

[Capital Public Radio](#) [2/15/2019 7:59 PM, Bob Moffitt, 12K, CA] reports that immigration detainees at the Yuba County Jail began a hunger strike Sunday and had scheduled to end it on Saturday, according to supporters. KQED is reporting a meeting with jail staff Friday afternoon convinced the 18 remaining striking detainees to call it off a day earlier. Advocates say 48 detainees took part initially, with two getting deported on Monday. The detainees, being held awaiting Immigration and Customs Enforcement trial, say the facility in Yuba County has unhealthy and inhumane conditions and should be closed. Yuba County Sheriff Wendell Anderson issued a two-page statement this week that refuted many of the inmate allegations. In his statement, Anderson added that ICE detainees have access to similar programs as regular inmates, including Narcotics Anonymous and drug treatment programs, anger management and parenting courses. Yuba County agreed to a court settlement with inmates last week that requires the department to make improvements. The court order requires a dentist be made available once a week, for eight hours, and that inmates be allowed 15 hours per week outside of their cells.

**[CA] Illegal immigrant mother ran transnational drug operation, passed family business off to fugitive son, feds say**

[FOX News](#) [2/18/2019 8:38 AM, Ryan Gaydos, 9216K] reports the son of an illegal immigrant mother of nine serving more than 17 years in federal prison for running a transnational drug smuggling ring remains a fugitive as authorities released documents about their investigation into the crime family. Celia Ruiz-Ochoa was 18 when she and her 2-year-old son Sergio crossed the U.S. border in California illegally. The struggling mother began selling drugs to make ends meet and eventually became the head of an international drug trafficking ring. Sergio Ruiz is still on the run from the law as his mother sits in prison, assistant special agent Mauricio Jimenez told WCPO-TV. Ruiz-Ochoa ran the drug operation out of her home in Dayton. She aligned herself with family members and close friends and had drugs trafficked into the U.S. through planes, mail, couriers, and vehicles, according to federal authorities.

**[El Salvador] Transgender woman deported from US murdered in El Salvador**

[Washington Blade](#) [2/17/2019 2:16 PM, Michael K. Lavers and Ernesto Valle, 14K, DC] reports that a transgender woman who the U.S. deported back to her native El Salvador died earlier this month after she was attacked outside the country's capital. Asociación Aspidh Arcoiris Trans, a Salvadoran trans advocacy group, told the Washington Blade that Aurora, who was also known as Camila, had been reported missing at the end of January. The group looked for Camila at various hospitals and eventually learned she had been admitted to Rosales National Hospital in San Salvador, the Salvadoran capital, on Jan. 31 with multiple injuries. The murder took place in Sonsonate, but trans rights organizations don't have any additional information. Camila is the second trans woman reported killed in El Salvador this month. Advocacy groups have made formal complaints in both cases, but it remains unclear whether any investigation into them or into those who may be responsible has begun. Thousands of people – including trans women who are even more vulnerable to



violence from gang members, police and family members because of their gender identity – have migrated from El Salvador in hopes of reaching the U.S. and other countries that include Mexico. The Blade earlier this month confirmed U.S. Immigration and Customs Enforcement was housing 45 trans women at a privately-run detention center in Texas.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Feb. 20, 2019**

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## Executive Office for Immigration Review

### Shutdown pushes immigration court backlog to 830,000, but experts say that's only the beginning

[CBS News](#) [2/19/2019 8:10 PM, Kate Smith, 4K, MS] reports between 80,051 and 94,115 immigration hearings were canceled during the five-week government shutdown, according to a new report. Those cases will be added to the system's record-high backlog, which as of Feb. 1 was reported to be 829,608. Immigration experts warn that's only the beginning. Relatively few new immigrations cases were recorded during the government shutdown, according to Tuesday's report from Syracuse University's TRAC. It added that "until new filings are recorded, any new [Department of Homeland Security] actions seeking removal orders aren't reflected in this backlog count." According to the report, in 2018, between 20,000 and 25,000 new immigration cases were filed every month. But during the shutdown in January, that figure dropped to just under 5,600. In other words, the immigration court backlog will be much higher once court officials are caught up. The Department of Justice, which oversees the immigration court system, disputes TRAC's estimate of cancellations during the shutdown. An official at the agency told CBS News "our best estimate is that approximately 60,000 hearings were rescheduled because of the partial government shutdown." Courts around the country are still catching up on the work they missed during the government shutdown. Hundreds of thousands of documents didn't get filed during the closure, leaving a mountain of work for court administrators to wade through.

Even though the government reopened over three weeks ago, the Newark immigration court still hasn't caught up on filings, according to Alan Pollack, a Newark-based immigration attorney, who said that, "hundreds more cases have been rescheduled because the government did not have the time and resources to prepare." In Los Angeles, the court had to authorize overtime pay for clerks who, as of Tuesday, were still wading



through mail-in filings, said Ashley Tabaddor, the president of the National Association of Immigration Judges and a Los Angeles-based immigration judge herself. "The administration failed to realize what a huge mess the shutdown was going to be for us," Tabaddor said in a telephone interview with CBS News on Tuesday. "They basically threw us into the water and said, 'sink or swim.'" The vast majority of immigration cases have not yet been rescheduled, immigration attorneys told CBS News. None of Pollack's 12 cases that were canceled due to the shutdown have been put back on the calendar. Because of the backlog, he doesn't expect those cases to be rescheduled until 2020. "The shutdown put a strain on an already overloaded system," Pollack said.

### **Report sheds light on how large immigration court backlog grew during government shutdown**

[KFOX14](#) [2/20/2019 5:00 AM, Simon Williams] reports that a brand new report from Syracuse University's Transactional Records Access Clearinghouse (TRAC) is giving a better idea of how large the immigration court backlog grew during the government shutdown in January. The report says between 80,051 and 94,115 immigration hearings were canceled during the government shutdown. Those cases will be added to the already record-high backlog that immigration services will have to catch up on. TRAC says as of Feb. 1, that number is at 829,608 cases. The report says across 2018, between 20,000 and 25,000 immigration cases were filed each month. During the shutdown in January 2019, however, that number dropped to about 5,600. That means the immigration backlog will be even higher once court officials are caught up. The report says TRAC won't have a completely accurate reading of how large the backlog has grown until all new Department of Homeland Security actions seeking removal orders are recorded and large volumes of hearings are rescheduled. For those who had immigration court hearings canceled during the shutdown, the report says that it's still too early to know how much longer until those can be rescheduled.

### **EOIR Rules Are Biased Against Immigration Attys, AILA Says**

[Law360](#) [2/19/2019 10:54 PM, Suzanne Monyak] reports the American Immigration Lawyers Association, a bar association of more than 15,000 immigration lawyers, has claimed that the U.S. Department of Justice arm tasked with overseeing the immigration courts places stricter disciplinary procedures on immigration attorneys than on government lawyers. In a Friday letter, AILA Executive Director Ben Johnson and Executive Committee President Anastasia Tonello told Director James McHenry of the DOJ's Executive Office for Immigration Review that the agency's December memo outlining disciplinary procedures for immigration practitioners — but not government attorneys — "perpetuated" the "continued imbalance in the treatment of counsel" appearing in immigration courts. "We share your belief that legal professionals should maintain the highest ethical standards, but efficient court procedures cannot exist if only one side of the courtroom is being held accountable, and no meaningful process is in place for complaints against any detrimental conduct of Department of Homeland Security (DHS) trial attorneys," the letter says. According to the EOIR's Dec. 18, 2018, memo, which went into effect on Jan. 1, immigration practitioners who engage in misconduct during proceedings may be reported to the EOIR disciplinary counsel, who may act on substantiated complaints through warning letters or more serious sanctions if necessary. Complaints to the EOIR may be submitted by agency staff, the public or DHS.

In Friday's letter, AILA pointed to its comments in 1998, when an earlier version of the rules



of professional conduct were published, saying that while "the great majority of government attorneys are competent and act in a fair and professional manner," some do engage in the types of misconduct outlined in the rules and should be subject to "such specificity" as well. The association also faulted the EOIR's December memo for the "vague nature of many of the grounds of discipline listed," which it said can make it "difficult" for lawyers to understand the boundaries and "makes it easy for individual judges to use that vagueness to their advantage in the court." AILA additionally raised concerns that immigration judges could report attorneys who have failed complaints against them to the EOIR disciplinary counsel as retaliation, noting that the disciplinary process for immigration judges is "unclear, secretive, informal" and "free from public scrutiny." "It is wholly inappropriate to issue this one-sided memo in light of the structural imbalance created by disciplining private attorneys while remaining silent about the abuses of DHS trial attorneys and the tepid and opaque [the DOJ's Office of Professional Responsibility] process," the letter says.

## **Policy and Legislative News**

### **Trump again dares courts to stop him**

[CNN](#) [2/19/2019 11:23 AM, Stephen Collinson] reports the legal confrontation over Donald Trump's immigration national emergency is becoming the most important test yet of his vision of an unfettered presidency immune to norms that check executive power.

The President hit back Tuesday after 16 states filed a lawsuit to stop his declaration aimed at redirecting funds already allocated by Congress for different purposes to build his border wall. The structure was the ideological anchor of his campaigns, rooted in claims that an "invasion" of undocumented migrants and criminals is swamping America.

"As I predicted, 16 states, led mostly by Open Border Democrats and the Radical Left, have filed a lawsuit in, of course, the 9th Circuit! California, the state that has wasted billions of dollars on their out of control Fast Train, with no hope of completion, seems in charge!" Trump tweeted. The new legal fight has revived questions about Trump's expansive view of his own power and his frequent attempts to evade legal, political and constitutional restraints on his actions that add up to a more untethered notion of the presidency than most of his modern predecessors. A profound question when Trump entered the Oval Office was whether his unruly, improvisational nature would be tamed by the magnitude of his new responsibilities and codes of presidential behavior framed over more than two centuries. Or would Trump, a rambunctious, ego-driven outsider who never follows the rules, change the office itself by establishing precedents that his successors would eventually use to justify their own flexing of presidential power?

### **Detained migrants could now end up with better health care**

[Washington Post](#) [2/19/2019 7:45 AM, Paige Winfield Cunningham, 9763K, DC] reports there's a bit of good news for detained migrants in the spending package President Trump signed last week, although the plan does little to fix the underlying problem of historically high numbers of people being held in detention. Tucked within the \$333 billion spending package, which prevented yet another government shutdown by funding the government through the end of September, is money for humanitarian assistance at the border and more health staffers at detention facilities throughout the United States, as well as some guidance mandating better treatment of detainees. As we've detailed previously, the U.S. falls short in some significant ways when it comes to caring for immigrants held at the border and in facilities around the country. Yesterday, a 45-year-old Mexican national detained by Customs and Border Protection died at a medical facility in McAllen, Tex., after



twice seeking medical attention, my colleague Isaac Stanley-Becker reports. That incident follows the December deaths of two migrant children in government custody. Trump has said little about these parts -- or any parts -- of the spending agreement passed Thursday, which provides far less funding for new fences along the border in Texas than he'd originally sought. The compromise funds \$1.375 billion for 55 miles of new fences, compared with the \$5.7 billion Trump had requested from Congress for building 234 miles of steel walls. While Democrats and Republicans have different spins on whether the agreement will ultimately result in more or fewer detentions, one thing is clear: It doesn't provide any significant change in the number of people who can be detained by ICE. The measure funds enough beds to detain a daily average of 45,274 people. That's slightly below the 49,000 people ICE currently has funding to detain, but still far more than in the early 2000s, when the agency detained about 20,000 migrants on a daily basis.

[Washington Post](#) [2/19/2019 9:35 PM, Maria Sacchetti, 9763K] reports that the deaths of two Guatemalan children in December and the massive groups of Central American families crossing the border are increasingly transforming the Border Patrol's role from national security to humanitarian relief, even as President Trump declares the situation a national emergency. Well over half the people taken into custody in recent months have been parents and children, with hundreds surrendering at a time, often in isolated locations. In other cases, youths such as a boy named Marco from Guatemala are dropped off by themselves. More than 1,800 Central American parents and children, a record high, crossed illegally last week on the day Trump went to El Paso to tout the need for a border wall. Homeland Security Secretary Kirstjen Nielsen promised "extraordinary protective measures" following the deaths of Jakelin Caal, 7, and Felipe Gómez Alonzo, 8, who crossed into the United States with their fathers. Since then, the federal government says it has dramatically increased its medical staff at the border.

### **Border apprehensions jump 84 percent, 606,000 expected this year**

[Washington Examiner](#) [2/19/2019 12:44 PM, Paul Bedard, DC] reports January saw a surprising surge of 22,000 more apprehensions of illegal immigrants at southwest border crossings over January 2018, prompting a key predictor to suggest that border officers will make over 600,000 apprehensions this year. The year-over-year increase was 84 percent, from 25,975 in January 2018 to 47,893 last January, according to U.S. Customs and Border Protection. According to Princeton Policy Advisors, which studies immigration data and makes predictions on future potential border crossings, the surprise January surge showed that the so-called "Trump effect" of slowing attempted crossings evaporated. What's more, said Princeton's Steven Kopits, the surge suggests that more illegal immigrants than expected could be heading to the border this year. "The January numbers don't yet warrant an upward revision in our forecast of 606,000 apprehensions in 2019. But we are on notice. Buckle your seat belts: 2019 could be a wild ride at the southwest border," he said.

### **Potentially Half a Million Illegal Aliens Projected to Enter U.S. this Year**

[Breitbart](#) [2/19/2019 7:50 PM, John Binder, 2015K] reports President Trump signed a spending bill that devotes \$1.3 billion to a border wall -- while also declaring a national emergency -- but expanded Catch and Release and gave an amnesty pathway to illegal aliens who have ties to Unaccompanied Alien Children, experts are continuing to predict that illegal immigration will surge to record levels this year. Princeton Policy Advisors researcher Steven Kopits projects that in 2019, there will be anywhere between 260,000 to 500,000 illegal aliens at the southern border who successfully cross into the U.S.



undetected by Border Patrol agents. Kopits' research also indicates that possibly close to 400,000 illegal aliens crossed into the country undetected by Border Patrol last year, assuming about 55 percent to 60 percent of illegal aliens are apprehended when they attempt to cross the border. Mass illegal and legal immigration adversely diminishes wages and job prospects for American workers, especially black Americans who are more likely to compete for U.S. jobs against cheaper, foreign workers.

### **Feds Resettle 224K Border Crossers Across U.S. Every Half Decade**

[Breitbart](#) [2/18/2019 7:43 PM, John Binder, 2015K] reports the number of "Unaccompanied Alien Children" who have been resettled across the United States in the last half decade is nearly seven times the population of Beverly Hills, California -- the state's most elite zip code. Since October 2013, the federal government has resettled about 224,000 UACs across the country - usually placing them in households with sponsors who are illegal aliens. As Breitbart News has noted, the UAC program is prime for MS-13 gang recruitment, as about half of the UACs resettled every year are young men from Central American countries like Honduras, El Salvador, and Guatemala. Federal authorities say this demographic is the most likely to be recruited by the brutal gang. Between the ten states that have been forced to absorb the most UACs in the last five years, there have been about 165,000 young border crossers resettled. These states include California, New York, Virginia, and Maryland -- all of which have the most MS-13 gang activity. California, alone, has resettled close to 30,000 UACs in the last five years, while New York has resettled more than 21,000 UACs. Most recently, President Trump's administration signed legislation that bans the Immigration and Customs Enforcement agents from deporting any illegal alien who has contact with a UAC that has been resettled in the U.S. Should there be about three illegal aliens living with each of the 224,000 UACs resettled in the U.S. in the last five years, this accounts for more than 670,000 illegal aliens who are immediately shielded from deportation by ICE. The Department of Homeland Security did not respond to a request for the total UAC resident population as of 2018.

### **Mexican national dies in Border Patrol custody after apprehension for 'illegal reentry'**

[Washington Post](#) [2/19/2019 9:01 AM, Isaac Stanley-Becker] reports a 45-year-old Mexican national detained by U.S. Customs and Border Protection died Monday at a medical facility in McAllen, Tex., after twice seeking medical attention, the agency reported. The fatality followed the deaths in December of two migrant children in government custody, which prompted a vow from CBP to conduct health checks on all children in its "care and custody," as the agency's commissioner, Kevin K. McAleenan, said at the time. The fate of those two children, both from Guatemala, renewed concerns about the "zero-tolerance" immigration policy pursued by President Trump. Another death is likely to raise fresh questions for the border control organization at the forefront of that policy, especially as the president crusades for a wall at the southern border. Trump's critics point to a humanitarian crisis fomented by his own hard-line approach, rather than a crisis of illegal entries that he falsely claims is overwhelming the Southwestern United States. The official cause of death was unknown. The border control agency said its Office of Professional Responsibility was conducting a review. It had also notified the Department of Homeland Security's inspector general, responsible for oversight of the department, as well as Congress and the Mexican government.

Additional reporting:

[The Hill](#) [2/19/2019 7:19 AM, Avery Anapol, 3038K]



[KURV-AM 710](#) [2/19/2019 3:04 PM, J. Salinas, 1K, TX]

**Hundreds of asylum-seekers detained in body bag factory: report**

[The Hill](#) [2/19/2019 2:51 PM, Rachel Frazin] reports that hundreds of migrants seeking asylum were being held at a factory in Mexico that was once used to make body bags, a field officer with an aid group tells The Hill. About 1,600 people being held in the facility were part of a migrant caravan that the Mexican government put on buses headed toward the border city of Piedras Negras, where the factory is located. The migrants were hoping to apply for asylum in the U.S., a Mexican government official told The Daily Beast. Joe Rivano Barros, a field worker from RAICES, which provides legal services for immigrants and refugees, said he expected the factory to be emptied by Wednesday because Mexican officials were either deporting them or putting them on buses going to other Mexican cities.

**Mexico closes massive migrant shelter near Texas border**

[Washington Examiner](#) [2/19/2019 5:06 PM, Anna Giaritelli, 629K, DC] reports the Mexican government has closed a large warehouse near the Texas border that was being used to hold nearly 2,000 migrants who traveled as part of a caravan from Central America, a senior U.S. law enforcement official confirmed to the Washington Examiner Tuesday evening. The old factory in Piedras Negras, Coahuila, sits just miles from the international border and had been used to house 1,900 migrants who arrived there on dozens of buses Feb. 4. The group, mostly Guatemalan and Hondurans, made the trip to Piedras Negras with the intention of applying for asylum at U.S. ports of entry or, as many have done since the fall, illegally entering the U.S. and then claiming a fear of returning home to avoid deportation. A Mexican official said last week his country was in the process of shuttering the shelter over worries it would incentivize additional caravans traveling to the region. Mexico initially opened the warehouse to give the large group a safe place to stay and prevent group members from trying to illegally enter the United States. Mexican police guarded the fenced-in warehouse 24 hours a day.

Reported similarly: [Breitbart](#) [2/19/2019 6:49 PM, Ildefonso Ortiz and Brandon Darby, 2015K]

**[NC] Meck County Commissioners Pass Resolution Supporting Immigrants & Sheriff McFadden**

[WCCB Charlotte](#) [2/19/2019 11:11 PM, Marvin Beach, 7K, NC] reports that outcry over increased ICE activity in Charlotte, lead to action from Mecklenburg County Commissioners. They came to the defense of Sheriff Garry McFadden at their meeting Tuesday night. All nine members voted in favor of a resolution supporting immigrants and the Sheriff. McFadden is not backing down, despite criticism from Immigration and Customs Enforcement. ICE leaders argue by ending 287(g), McFadden is allowing dangerous criminals back into the community. McFadden says immigration enforcement isn't his job. McFadden said ICE raids like we've seen over the past few weeks make victims and witnesses afraid to come forward, causing crimes to go unreported.

**[TN] Democrats, immigrant rights group push bills to protect Tennessee cities against sanctuary city ban**

[Tennessean](#) [2/19/2019 5:43 PM, Joel Ebert, 180K, TN] reports Democrats and an immigrant and refugee rights organization are pushing new proposals that they say will protect local governments over a state law that prohibits sanctuary cities in Tennessee. The



political arm of the Tennessee Immigrant and Refugee Rights Coalition recently announced its support for two bills aimed at the law enacted last year. That measure, which prohibits sanctuary cities and requires local law enforcement officials to comply with U.S. Immigration and Customs Enforcement requests to hold immigrants for deportation, became law last year without former Gov. Bill Haslam's signature. When Haslam announced his decision not to veto the law in May, Republican lawmakers praised his action while TIRRC said it could trigger boycotts and legal action and lead to unintended consequences. Since the enactment of the anti-sanctuary cities law, Shelby County Attorney Marlinee Iverson said it could violate the U.S. Constitution. Shelby County officials said they would not follow the measure, leading House Speaker Glen Casada, R-Franklin, to call for a "serious discussion" on the matter. [Editorial note: consult source link for video]

**[FL] Dems visit shelter for migrant children, call it 'chilling'**

[The Hill](#) [2/19/2019 2:48 PM, Chris Mills Rodrigo] reports that Democratic Reps. Debbie Mucarsel-Powell (Fla.), Donna Shalala (Fla.), Joaquin Castro (Texas) and Sylvia Garcia (Texas) visited the temporary shelter for unaccompanied migrant children in Homestead, Fla. Castro, the chairman of the Congressional Hispanic Caucus, called the system of facilities for migrant children part of a "morally bankrupt system." Mucarsel-Powell vowed to reunite the migrant children in Homestead with their families. The Department of Health and Human Services announced in December that the Homestead shelter would be adding 1,000 beds to the shelter. Migrant children who illegally cross into the U.S. must be sent to a government shelter, like Homestead, where they stay until they can be united with relatives or other sponsors while awaiting immigration court hearings, under the so-called Flores agreement. The Trump administration is reportedly working on new regulations that it says would terminate and replace that rule.

**[FL] Bill aimed at 'sanctuary cities' clears Senate hurdle**

[Miami Herald](#) [2/19/2019 4:49 AM, Samantha J. Gross, 535K, FL] reports Sen. Joe Gruters' anti-sanctuary city bill cleared its first of three hurdles Tuesday. The Senate Judiciary Committee voted 4-2 along party lines to approve the bill, which died in the Senate last year. SB 168 creates rules relating to federal immigration enforcement by prohibiting "sanctuary" policies and requiring state and local law enforcement to comply with U.S. Immigration and Customs Enforcement. The bill also would give whistle-blower status for officers who report citizenship violations by undocumented immigrants detained in local jails on unrelated charges. "This bill defines what a sanctuary policy is, and makes sure we hold local governments accountable to make sure they follow the rule of law," said Gruters, who represents Sarasota. "That is what this country is based on." Under this bill, local law enforcement would be required to honor federal law enforcement's request for an "immigration detainer," meaning a request that another law enforcement agency detain a person based on probable cause to believe that the person is a "removable alien" under federal immigration law.

Reported similarly:

[ThinkProgress](#) [2/19/2019 5:23 PM, Rebekah Entralgo, 402K, DC]

[Orlando Sentinel](#) [2/19/2019 4:50 PM, Ana Ceballos, 170K, FL]

[CBS 4 Miami](#) [2/19/2019 3:55 PM, Staff, 36K, FL]

[Florida Politics](#) [2/19/2019 3:05 PM, Jacob Ogles, 15K, FL]



**[NM] Otero County sets the record straight: "We do want to respect all immigration laws."**

[Alamo Gordo Daily News](#) [2/19/2019 12:41 PM, Nicole Maxwell, 1K, NM] reports by unanimous vote Feb. 14, the Otero County Commission made it clear it would respect federal immigration laws. Otero County is listed on several websites as a sanctuary county for those who entered the U.S. illegally, although the county never made such a declaration. Currently, Immigration and Customs Enforcement or ICE, handle immigration issues in Otero County out of the Otero County Processing Center in Chaparral. "Because it's such a hot-button topic, they have taken over complete control of that. We don't touch that," said Otero County Commissioner Lori Bies. "So, as to declaring us not a sanctuary county, we can make a resolution all day long." Two pieces of legislation -- House Bill 195 and Senate Bill 196 -- were pre-filed in the New Mexico Legislative session this year. The bills would prohibit state and local agencies from using resources to enforce federal immigration laws and would restrict the authority of a sheriff or jail to hold federal detainees.

**[CA] How California Laws Meant to Integrate Immigrants Can Open a Backdoor for ICE**

[Voice of San Diego](#) [2/19/2019 12:16 PM, Maya Srikrishnan, CA] reports on July 3, 2018, Joel Hernandez-Centeno left his apartment in Escondido for work at the same time he always did, around 7:30 a.m. A car behind him began flashing its lights. Hernandez-Centeno pulled over, and took out his vehicle registration and the license he had obtained a few years earlier under California's AB 60, which allowed unauthorized immigrants to get driver's licenses. Then, the law enforcement officials identified themselves as Immigration and Customs Enforcement agents. Hernandez-Centeno said they had a chart that had his information and a photo of him. The photo was the same one taken at the California Department of Motor Vehicles when he got his license. Hernandez-Centeno is not alone. He and others believe ICE arrested them with the assistance of DMV databases that made it easier to track them down. Their arrests underscore a long-standing concern from immigration advocates that laws intended to bring unauthorized immigrants in California out of the shadows expose them to federal immigration enforcement because of widespread database-sharing among law enforcement agencies.

The DMV database has become a particular concern since AB 60 was signed into law in 2013, which includes information about any unauthorized immigrant who applied for the licenses – even those who have no criminal history in the United States. "ICE agents do not have direct access to California DMV databases and they do not have the capability to solely search for AB 60 applicants or AB-60 licenses holders," ICE spokeswoman Lauren Mack wrote in an e-mail. But Mack said she could not answer questions about how ICE uses CLETS or DMV databases to look up information about any individual for whom they already have a name or other information. Mack referred questions to the DMV, and said information related to how ICE conducts its investigations is sensitive. In December 2018, the ACLU of Northern California and the National Immigration Law Center published a report detailing how DMV records are shared with federal immigration agencies. In applying for access to CLETS and DMV information, Department of Homeland Security agencies – including ICE and Customs and Border Protection – attested that their purpose for tapping into the databases is criminal investigations. But once the agencies are granted access, they aren't required to explain each individual inquiry. Almost 40 offices of DHS agencies currently have access to California DMV records. They are mainly ICE Homeland Security Investigations offices, but also include ICE Enforcement and Removal Operations, which handles interior immigration enforcement efforts, according to the report.



Reported similarly: [NBC 7 San Diego](#) [2/20/2019 2:46 AM, Sergio Flores, CA]

## Legal News

### **Access to attorneys may be additional challenge for asylum seekers 'remaining in Mexico'**

[San Diego Union Tribune](#) [2/19/2019 8:00 AM, Kate Morrissey, 214K, CA] reports many of the asylum seekers returned to Tijuana to wait for their U.S. immigration court cases under a recent Trump administration policy may face those hearings without lawyers to help them. Just over two weeks after U.S. officials began sending back certain asylum seekers under a pilot program for the "Migration Protection Protocols" -- better known as "Remain in Mexico" -- attorneys are still trying to figure out whether they're even allowed to practice in Tijuana, let alone whether their organizations have the resources to send staff across the border. As of Thursday, 73 people, including 13 children with their families, have been returned, according to Mexican immigration officials. The first hearings for returnees are about a month away. They need to be seen immediately to give attorneys time to prepare, said Carmen Chavez, executive director of Casa Cornelia, a San Diego nonprofit that provides free legal representation in asylum cases. Leah Chavarria, an immigration attorney with Jewish Family Service, another pro bono group on the list given to those who will be attending immigration court in San Diego, said the organization has been trying to determine what capacity, if any, it might have to send staff across the border. Not having an attorney can make a big difference in the outcome of an immigration court case. Between October 2000 and November 2018, about 82 percent of people in immigration court who didn't have attorneys were either ordered deported or gave up on their cases and left voluntarily, according to data from the Transactional Records Access Clearinghouse of Syracuse University. In contrast, 31 percent of those with lawyers had the same outcomes. The Department of Homeland Security did not respond to questions about access to counsel for those returned under the new program in time for publication.

### **Justices Won't Hear Kids' Bid To Halt Father's Deportation**

[Law360](#) [2/19/2019 4:27 PM, Kevin Penton] reports the U.S. Supreme Court on Tuesday declined to review a petition filed on behalf of two U.S. citizen minors that questioned whether the children's constitutional rights would be violated by the deportation of their father. The high court did not provide a rationale for rejecting the petition for certiorari filed in December on behalf of Stefany Vega Duron and Brittany Elizabeth Vega Duron, who said the Fifth Circuit wrongly determined that it did not have jurisdiction under immigration laws to review the girls' claim of a violation of their First and Fifth Amendment rights. The children petitioned on behalf of their father, Martin Duron Esparza, an immigrant living in the country without legal permission subject to an order from U.S. Immigration and Customs Enforcement that instructed him to voluntarily leave the United States. The minors said the Fifth Circuit incorrectly found that they would have to take their claims through a "preordained administrative process," namely immigration court, rather than the federal court system. No such process exists for U.S. citizens to seek a remedy in immigration court, they said.

### **[NE] Prosecutor denies man arrested in raid was kept from lawyer**



[Washington Times](#) [2/19/2019 2:23 PM, Associated Press, DC] reports an assistant U.S. attorney has denied allegations that federal agents and prosecutors wrongly kept a man arrested in an August immigration raid from seeing his attorney. A law firm hired to represent Eric Beringer, a supervisor for Elkhorn River Farms in north-central Nebraska's Holt County, made the allegations earlier this month. John Berry says a lawyer from his firm was told he couldn't see Beringer until the day after the Aug. 8 raid. Berry is moving in court to suppress anything Beringer said to federal agents or prosecutors. The Lincoln Journal Star reports that Assistant U.S. Attorney Lesley Woods says in a court filing that Berry had called her office that day but didn't say who his law firm would be representing. Woods also says Beringer didn't indicate he wanted an attorney present after being read his rights and agreeing to speak. Woods says the lawyer from Berry's firm was told he couldn't speak with Beringer because other suspects were being processed and for "security and logistical concerns."

## **Enforcement News**

**25 MS-13 gang members deported from migrant caravan in Mexico, officials say**  
[FOX News](#) [2/19/2019 2:30 PM, Jacqui Heinrich and Travis Fedschun, 9216K] reports at least 25 gang members affiliated with the MS-13 gang were deported from Mexico after they were revealed to be concealed within the caravan of 1,600 Central American migrants just across the U.S. border, immigration officials said Tuesday. The caravan first arrived in Piedras Negras, Mexico, two weeks ago across the border from Eagle Pass, Texas when officials from the Instituto Nacional de Migración identified 10 gang members from Mara Salvatrucha, also known as MS-13. After warehouse scuffles with police last week, officials discovered and deported 15 additional MS-13 "agitators," INM Media Deputy Director Aline Juarez told Fox News. In addition to the gang members, a total of 70 central American migrants have been deported to their home countries, while about 1,500 have been granted humanitarian visas to move freely within Mexico.

Reported similarly: [Sean Hannity](#) [2/19/2019 5:40 PM, Staff, 70K, NY]

**[MD] Salvadoran Mother Still Fears Deportation, Separation From Children**  
[WJZ-TV CBS](#) [2/19/2019 8:17 PM, Mike Hellgren, 49K, MD] reports Roxana Santos, a mother of four, fears she'll be deported to El Salvador when she meets with immigration officials next week, and activists say they believe she is being retaliated against after winning a federal lawsuit. Her ordeal began in 2008 when she was detained in Frederick County. The undocumented immigrant said she was profiled by sheriff's deputies and arrested while eating a sandwich during her lunch break. Appeals court judges ruled Santos' constitutional rights were violated. In January 2019, during a routine check-in with federal law enforcement in Baltimore, Santos was detained again. After another legal fight, a judge ordered her release for now, but on February 26th, she will meet again with ICE. Advocates, including organizers with CASA plan to hold a rally outside the Baltimore field office.

**[NC] Officials say man arrested by ICE in Henderson County re-entered country illegally**

[13 WLOS](#) [2/19/2019 10:43 PM, Staff, 51K, NC] reports that an ICE official said while searching for an undocumented man in Hendersonville on Feb. 13, agents discovered two



other undocumented immigrants. ICE spokesman Bryan Cox said Hector Aldana-Menjivar is in ICE custody pending removal to El Salvador. Cox said Aldana-Menjivar had re-entered the country illegally after having been removed in 1981. Officials said he has multiple criminal convictions in North Carolina, including an April 1991 felony robbery conviction in Henderson County. Honduran national Edwin Mejia-Acosta was also taken into custody. He has been faces removal proceedings before the federal immigration courts. No information has been released about the third person who was taken into custody. [Editorial note: consult source link for video]

**[FL] ICE detains Ecuadorean bankers convicted of multimillion-dollar bank embezzlement**

[Miami Herald](#) [2/19/2019 7:00 PM, Sonia Osorio, 535K, FL] reports former Ecuadorean bankers William and Roberto Isaias, two brothers who fled to Miami after being charged with embezzling millions from one of Ecuador's biggest banks, have been arrested by U.S. immigration officials and await possible deportation. The men were detained for an alleged violation of U.S. immigration law. They were sent to an immigration detention center "pending removal proceedings," the U.S. Immigration and Customs Enforcement agency told el Nuevo Herald. U.S. Immigration and Customs Enforcement's Homeland Security Investigations said they arrested the brothers in Miami on Feb. 13. "Both men were then transferred to ICE's Enforcement and Removal Operations and are presently in agency custody pending removal proceedings," ICE said in an email. The Ecuadorean government has sought their extradition for years. The fugitive brothers, who have been living in Miami since 2000, were convicted in absentia in 2014 of embezzling more than \$660 million from Filanbanco, once one of Ecuador's largest banks. Their lawyer, Jorge Zavala, confirmed by telephone from Ecuador that the brothers face possible deportation because of an alleged violation of their immigration status, but that he's waiting for a court hearing to clarify the details of the case.

**[MO] Detained mother makes emotional plea to stay in U.S. in hand-written note**

[FOX 2 Now](#) [2/19/2019 10:35 PM, Chris Regnier, 119K, MO] reports 48-year-old Ilsa Guzman-Fajardo is spending her days behind bars at the Pulaski County Detention Center in Ullin, Illinois, her future in this country uncertain at best. Ilsa's husband Steve Miller was out of town working when it happened. Before Steve went to see Ilsa Tuesday at the Pulaski County Detention Center, we met with her inside the jail. Ilsa told us that early Tuesday morning she was taken back to the 'ICE' office in downtown St. Louis in handcuffs and shackles. Steve says his wife regularly checked in with immigration officials and what's happening to her is unfair. Ilsa's attorney Evita Tolu says faulty paperwork given to Ilsa when she first crossed into the United States in 1999 led to a deportation order being filed against her. Tolu is now fighting to try and get that order declared invalid. Tolu says it could take a month for a ruling to come down on the motion she filed last week to try and stop the deportation. If she loses there, Tolu tells us she will file more appeals with the case potentially winding up before the U.S. Supreme Court. Steve tells us he has also been trying to get her legalized since they were married in 2017. [Editorial note: consult source link for video].

**[MI] Michigan Gov. Whitmer blocks immigrant detention plan**

[Washington Post](#) [2/20/2019 10:13 PM, David Eggert] reports that Democratic Gov. Gretchen Whitmer blocked the sale of a former state prison that was proposed as the site of a privately operated federal immigration detention center, drawing praise from immigrant



rights activists and criticism Tuesday from a Republican lawmaker whose district stood to gain jobs. Whitmer late last week stopped the proposed sale from proceeding, after plans for the facility had advanced in the fall under the administration of then-Gov. Rick Snyder, a Republican. She said Virginia-based Immigration Centers of America would not promise to not detain adults who are separated from their children or other family members. GOP state Rep. Thomas Albert, whose district includes the former Deerfield Correctional Facility in Ionia — 110 miles northwest of Detroit — vowed Tuesday to fight Whitmer's decision. He said Ionia has lost out on 250 new jobs, \$35 million in private investment and property tax revenue due to the blocked deal. It is not clear, however, if the GOP-led Legislature can realistically revive the project. U.S. Immigration and Customs Enforcement has set a March 29 deadline for bids to house approximately 600 male detainees within 150 miles of Detroit, either at a facility in Michigan or Ohio. It may be too late for Immigration Centers of America to find another site before then, a company spokesman said. Spokesman John Truscott said the Michigan facility would have offered a "much better and more humane" alternative than the current practice of housing detainees in county jails.

Reported similarly:

[Washington Times](#) [2/19/2019 9:01 AM, Associated Press, DC]

[South Bend Tribune](#) [2/19/2019 1:38 PM, Mitchell Boatman, 39K, IN]

[Crain's Detroit Business](#) [2/19/2019 8:51 AM, Staff, 39K, MI]

[WHIO-TV](#) [2/19/2019 7:14 PM, Staff, 47K, OH]

#### **[IL] Dwight moves forward with plans to build ICE detention center during public hearing**

[Week](#) [2/19/2019 11:24 PM, Molly Jirasek, 10K, IL] reports that Tuesday night, the Village of Dwight's planning commission discussed annexing almost 90 acres of land for a potential ICE detention center. The commission gave their blessing to the village board to annex the land, change the zoning of the land to industrial, and to okay the agreement with the private construction group. Now those recommendations will go to the village board for a vote. Many from all over Illinois chanted "No ICE Dwight!" in front of the village hall before Tuesday night's public hearing. They hoped to convince the Village Planning Commission to say to say "No" to the ICE detention center which would hold more than 1,000 beds. The proposed facility would be off of I-55 and Route 17, run by a private company called ICA, who said they are working on behalf of congress. Attorney Frank Cortina, who represents ICA, said a center like this would be, "The best alternative." "We can agree that if they're detained they shouldn't be sitting in a jail with murders and rapists and other harden criminals. They aren't criminals. They are just people here possibly not legally. It's a civil issue," he said. The detention center would bring 493 new jobs to Dwight. The facility would only house men, not women and families. [Editorial note: consult source link for video]

#### **[TX] Lawmakers seek probe of ICE force-feeding of immigrants**

[KBJR-TV NBC](#) [2/19/2019 4:32 PM, Associated Press, 5K, MN] reports nearly 50 Democratic lawmakers are calling for a watchdog investigation of U.S. Immigration and Customs Enforcement after the agency confirmed it had been force-feeding immigrant detainees on hunger strike. Reporting by The Associated Press revealed late last month that nine Indian men who were refusing food at an El Paso, Texas, detention facility were being force-fed through nasal tubes. That practice abruptly stopped last week after a U.S. district judge said the government had to stop force-feeding two of the detained immigrants against their will. The 49 lawmakers want the Department of Homeland Security Office of



Inspector General to investigate the on-site conditions of ICE facilities and policies surrounding the involuntary force-feeding of immigrant detainees. ICE said Tuesday the agency has "a strict zero-tolerance policy for any kind of abusive behavior."

**[TX] Austin Police: Three charged, deported after pick-pocketing phones at ACL**

[CBS Austin](#) [2/19/2019 10:46 PM, Jordan Bontke, 38K, TX] reports that pickpockets who stole more than a hundred phones during the Austin City Limits Music Festival last year have been deported for lying on their passports. At a South Austin police station, evidence boxes are filled with dozens of phones that were stolen from the pockets of concertgoers at weekend one of ACL in October. According to a release from the Osceola County Sheriff's Office, the men - identified as Edward Javier Garcia-Castano, Estivenson Blanco-Rubiano and Wilmer Arias-Arias -- were detained for questioning and all three were arrested for possession of cannabis and one was charged with resisting arrest for providing a false name to detectives. The FBI charged the men with trafficking stolen property across state lines. Immigration and Customs Enforcement learned the men lied about information on their passports -- which ended in their deportation, according to the Austin Police Department. [Editorial note: consult source link for video]

**[AZ] U.S. Border Patrol agents detain a group of 103 migrants near Lukeville**

[Arizona Republic](#) [2/19/2019 11:50 PM, Brooke Miller, AZ] reports that U.S. Border Patrol agents assigned to the Ajo Station in southwest Arizona found and detained 103 Central American migrants near the desert west of Lukeville on Monday morning, the agency said. Agents spotted the group via mobile surveillance technology walking through the post-and-rail fence that delineates the U.S.-Mexico border, according to U.S. Customs and Border Protection. Of the 103 migrants accused of illegally crossing the border, 81 were Guatemalan and 22 were Honduran, authorities said. Among family units, the group was composed of 59 minors, eight of whom were unaccompanied by a legal guardian, officials said. The group encountered U.S. Border Patrol agents fewer than 50 yards from the border, in a similar area where other migrant groups have been located in recent months.

**[CA] Napa County's lone 2018 ICE interaction involved suspected MS-13 gang member**

[Napa News](#) [2/19/2019 11:20 PM, Barry Eberling, 23K, CA] reports that the Napa County government in 2018 provided U.S. Immigration and Customs Enforcement access to one individual -- a suspected MS-13 gang member facing homicide charges in El Salvador. Sheriff John Robertson said an officer stopped a man for speeding in a rural area on Feb. 28, 2018. A routine check for the El Salvadorian with no driver's license showed he was wanted under a warrant issued by the U.S. Department of Justice and Interpol for homicide-with-a-gun charges in El Salvador. "It was further denoted the driver was to be considered an armed and dangerous member, with violent tendencies, of the MS-13 gang," Robertson said. Nobody was available from the U.S. Marshals Office to take the man, so the Sheriff's Office turned him over to ICE in its parking lot, Robertson said. The county jail received 102 ICE requests in 2018 and provided no access, Director of Corrections Dina Jose said. County policy allows transfer to ICE custody only upon receipt of a federal warrant or court order.

**[CA] Border Patrol Agents Arrest "Sureño" Gang Member**

[KMIR-TV NBC](#) [2/19/2019 4:06 PM, Staff, 4K, CA] reports U.S. Border Patrol agents assigned to the El Centro Sector arrested a "Sureño" gang member in Calexico Saturday



morning. At approximately 6:07 a.m., Border Patrol agents were on patrol when they observed a man illegally enter the United States half mile east of the Calexico West Port of Entry. Agents arrested the man and transported him to the El Centro station for processing. At the station, record checks revealed an extensive criminal record, to include a felony burglary charge. He is also a self-admitted Sureño gang member out of San Mateo, California. The man, a 28-year-old Mexican national, will be prosecuted for Re-Entry into the United States after being previously removed by an immigration judge.

**[CA] Undocumented Immigrant, Getaway Driver Killed in Pursuit Crash**

[NBC San Diego](#) [2/19/2019 11:42 PM, Rafael Avitabile, 98K, CA] reports that a man who crossed into the U.S. illegally and the man tasked with driving him to safety were killed Tuesday night when their getaway car slammed into the back of a semi-truck in Otay Mesa, officials confirmed. U.S. Customs and Border Patrol said a man and a woman were seen on cameras crossing the border near the Cross Border Xpress terminal. Border Patrol Agent Justin Casterjon said two men in the driver and front passenger seats died at the scene. The woman was life-flighted to a nearby hospital with critical injuries. Another person was reported injured and crews said they are working to airlift the patient to a nearby hospital. Casterjon could not say how the man and the woman got to the U.S. side of the border. [Editorial note: consult source link for video]

**{End of Report}**



**From:** [EOIR, PAO \(EOIR\)](#)  
**To:** [All of EOIR](#)  
**Subject:** EOIR Morning Briefing, Feb. 21, 2019  
**Date:** Thursday, February 21, 2019 9:50:18 AM  
**Attachments:** [image002.png](#)

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# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Thursday, Feb. 21, 2019**

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[Media Puts Border Patrol On The Hook For Another Illegal Immigrant Death](#)

[Advocates say US still separates migrant families needlessly](#)

[The Trump administration keeps breaking up migrant families. Here's how they do it](#)

[Migrant Caravans Prove a Successful Formula for Mass Illegal Entry to US](#)

[Congressmen Call for U.S. Designation of Mexican Cartels as Terror Orgs — Los Zetas, Gulf in Crosshairs](#)

[End of immigration program gives Liberians in U.S. a choice: Leave their American children or become undocumented](#)

[Under Trump Administration, Some Vietnamese Immigrants Face Uncertain Fate](#)

[\[NC\] Gaston sheriff: 287\(g\) 'benefit' to county](#)



[\[IA\] Employers who hire undocumented immigrants could lose licenses under Iowa GOP bill](#)

[\[IA\] E-verify mandate advances in Iowa Senate](#)

[\[TX\] Dems Call For Investigations Into ICE Detention Practices](#)

[\[TX\] Understanding Border States' Reactions to Crisis Rhetoric](#)

## **Legal News**

[DHS Dodges \\$5M Suit Over Omissions In Immigrant Notices](#)

[\[MO\] Migrant's Check Fraud Signals Moral Turpitude, 8th Circ. Says](#)

[\[CA\] Merced Judge's Ruling Stops Deportation Of Navy Veteran](#)

## **Enforcement News**

[The Number Of Illegals Caught At The Southwest Border Nearly Doubles, DHS Reports](#)

[BP: Apprehensions Down Overall Despite Recent Increase in Families](#)

[\[NH\] ICE detainee caught with handcuff key may get years in prison](#)

[\[RI\] Mother detained by ICE still waiting to become U.S. citizen](#)

[\[NC\] What Is The New Normal For Immigrants In North Carolina?](#)

[\[NC\] Forsyth County Sheriff joins sheriffs in other counties to limit ICE access to detainees](#)

[\[GA\] Man accused of deadly hit-and-run in Gwinnett denied bond](#)

[\[MO\] Mother facing deportation gets warning from ICE](#)

[\[IL\] Dwight Planning Commission OK's proposed ICE facility](#)

[\[TX\] Border Patrol agents fired upon by assailant in Mexico](#)

[\[TX\] Democrats want investigation of ICE force-feeding immigrants](#)

[\[TX\] Laredo shelter filled to capacity with migrants as court dates drag on](#)

[\[TX\] Former Load Trail workers facing deportation after summer immigration bust](#)

[\[CO\] Crow Sends DHS Letter Over 'Serious Concerns' With Aurora ICE Facility Expansion](#)

[\[CO\] Mumps Leads to Third Medical Quarantine at Immigration Detention Facility](#)

[\[CO\] ICE: MS-13 gang member deported after being caught in Colorado](#)

[\[CO\] Guatemalan Immigrant Detained By ICE Reunited With Family After 2 Yrs](#)

[\[CA\] With Mesa Verde potentially on the brink of closure, more than 70 lawyers and advocacy groups demand transparency](#)

[\[CA\] Guatemalan Immigrant Who Spent 2 Years In Ice Custody Freed, Reunited With Family](#)

[\[El Salvador\] Trans woman denied asylum by Trump administration murdered after deportation to El Salvador: report](#)



## Policy and Legislative News

### **Dems' measure blocking Trump emergency will come Friday**

[Associated Press](#) [2/20/2019 4:02 PM, Alan Fram] reports House Democrats will file a resolution Friday aimed at blocking the national emergency declaration that President Donald Trump has issued to help finance his wall along the Southwest border, teeing up a clash over billions of dollars, immigration policy and the Constitution's separation of powers. Though the effort seems almost certain to ultimately fall short — perhaps to a Trump veto — the votes will let Democrats take a defiant stance against Trump that is sure to please liberal voters. The battle is over a declaration that Trump, whose wall was the most visible trademark of his presidential campaign, issued last week to access billions of dollars beyond what Congress has authorized to start building border barriers. Congress approved a vast spending bill last week providing nearly \$1.4 billion to build 55 miles of border barriers in Texas' Rio Grande Valley while preventing a renewed government shutdown. That measure represented a rejection of Trump's demand for \$5.7 billion to construct more than 200 miles. Besides signing the bill, Trump also declared a national emergency and used other authorities that he says gives him access to an additional \$6.6 billion for wall building. That money would be transferred from a federal asset forfeiture fund, Defense Department anti-drug efforts and a military construction fund. Federal officials have yet to identify specifically which projects would be affected.

[FOX News](#) [2/20/2019 7:46 PM, Gregg Re, 9216K] reports that the full House is expected to vote on the measure by mid-March, if not sooner. Trump ally Rep. Jim Jordan, R-Ohio, told ABC News this weekend that he believes there are enough GOP votes in Congress to prevent the two-thirds supermajorities required to overcome a veto in both the House and the Senate. "So it's going to be settled in court, we'll have to wait and see." The brewing legislative fight comes as the attorneys general of California, New York and 14 other states on Monday filed a lawsuit in the liberal Ninth Circuit against the White House's emergency declaration, claiming Trump has "veered the country toward a constitutional crisis of his own making." Democrats and some Republicans say there is no emergency at the border and say Trump is improperly declaring one to work around Congress' rejection of the higher amounts. [Editorial note: consult source link for video]

Reported similarly:

[Huffington Post](#) [2/21/2019 12:39 AM, Nick Visser]

[USA Today](#) [2/20/2019 8:41 PM, Eliza Collins and John Fritze]

### **Fact-Check: Former Immigration Judge Debunks 5 Claims in Democrats' Border Wall Lawsuit**

[Breitbart](#) [2/20/2019 9:31 PM, Robert Kraychik, 2015K] reports that Art Arthur, a resident fellow at the Center for Immigration Studies and former immigration judge, referred to a federal lawsuit filed against President Donald Trump by California and 14 other states over the president's declaration of a national emergency and plans to redirect federal funds for border wall construction as "political theater." Contrary to the will of Congress, the President has used the pretext of a manufactured "crisis" of unlawful immigration to declare a national emergency and redirect federal dollars appropriated for drug interdiction, military construction, and law enforcement initiatives toward building a wall on the United States-Mexico border. Arthur stated, "The number of aliens who are apprehended at the border is down. That is correct. There were historical means back in 2011, 90 percent of all the illegal



entrants that we saw were single adult males and 90 percent of them were Mexican, which meant that they could be turned around in about eight hours and sent back home. In the first four months of 2019, by comparison, 60 percent of all aliens apprehended along the southwest border were unaccompanied alien children and aliens traveling in family units."

### **Groups seek restraining order to block Trump asylum policy**

[CNN](#) [2/21/2019 12:03 AM, Catherine E. Shoichet and Geneva Sands] reports a coalition of immigrant advocacy groups is asking a federal judge for a restraining order that would block the Trump administration from forcing asylum seekers to stay in Mexico while their cases make their way through US immigration courts. In a motion filed Wednesday, advocates argued that the administration's new policy causes irreparable harm and places vulnerable asylum seekers' lives at risk. "Congress has explicitly authorized the Department of Homeland Security to return aliens arriving from a contiguous foreign territory to that territory during that alien's immigration court proceedings," Justice Department spokesman Steve Stafford said in a statement last week. If US District Judge Richard Seeborg grants a temporary restraining order, officials would be required to halt the policy while the case makes its way through court. The administration has dubbed the policy "Migrant Protection Protocols" and has argued they "help restore a safe and orderly immigration process, decrease the number of those taking advantage of the immigration system, and the ability of smugglers and traffickers to prey on vulnerable populations, and reduce threats to life, national security, and public safety, while ensuring that vulnerable populations receive the protections they need." So far, the policy has been applied only to undocumented migrants who've sought asylum at the port of entry near San Diego, but officials have said they intend to expand it to other sites along the border. As of last Thursday, 93 people had been processed and returned to Mexico under the policy, including 13 families, according to a Department of Homeland Security official.

Reported similarly: [The Hill](#) [2/20/2019 11:26 PM, Michael Burke, 3038K]

### **Trump prevails as Mexican officials stop caravan at Texas border and ship migrants to other cities**

[Los Angeles Times](#) [2/20/2019 4:00 AM, Molly Hennessy-Fiske, 3575K] reports last week, a caravan of 1,800 Central American migrants arrived in this isolated Mexican border city, where police ushered them into a makeshift government shelter at a shuttered factory surrounded by chain-link fence. As conditions at the shelter deteriorated, riots erupted last Wednesday. Migrants broke through security barriers and struggled with guards. Tables, chairs and parts of a tent at Mexican officers. Migrant advocates and reporters were barred from the facility, which was surrounded by dozens of federal police in riot gear. On the other side of the Rio Grande, in the sleepy town of Eagle Pass, Texas, 250 troops and scores of Border Patrol agents were sent to shore up defenses as President Trump vowed to stop this latest caravan. For the moment, Trump appears to have gotten his way. As of Tuesday, the shelter was closing, with all but one group of migrant family members sent to other, larger border cities, where prospects of entering the United States were little better. The last 18 migrants would be allowed to seek asylum at the border bridge to Texas, officials said. Speaking through the shelter fence Tuesday, some said they had proof, including photos, that they were fleeing persecution. It wasn't clear why they were chosen, while others were not allowed to reach the city's two border bridges across the Rio Grande. A Honduran official said the overall group of 1,800 was simply too large for U.S. officials to process there.



Additional reporting:

[Arizona Republic](#) [2/20/2019 1:08 PM, Rafael Carranza, 695K, AZ]

[KPBS](#) [2/20/2019 2:02 PM, Marissa Cabrera, 28K, CA]

### **Stephen Miller's claim that 'thousands of Americans die year after year' from illegal immigration**

[Washington Post](#) [2/21/2019 3:00 AM, Glenn Kessler, 9763K] reports that Stephen Miller, senior adviser to President Trump, in an interview with "Fox News Sunday," Feb. 17, 2019 said that "thousands of Americans die year after year after year because of threats crossing our southern border." The White House did not respond to a query concerning Miller's math, but other anti-immigration advocates have made similar claims. President Trump claimed in 2018 that 63,000 Americans have been killed by illegal immigrants since the Sept. 11 attacks, which works out to about 3,700 a year. The available evidence suggests these claims are false. There is no nationwide data set on crime committed by undocumented immigrants, so researchers have tried to tease the answer from less-than-complete data. A 2018 study published in the peer-reviewed journal *Criminology*, led by Michael Light, a criminologist at the University of Wisconsin at Madison, examined whether places with higher percentages of undocumented immigrants have higher rates of violent crime such as murder or rape. The answer: States with larger shares of undocumented immigrants tended to have lower crime rates than states with smaller shares in the years 1990 through 2014. Similar results were found in another peer-reviewed study by the same researchers that looked at nonviolent crime, such as drug arrests and driving under the influence arrests. [Editorial note: consult source link for video]

### **Media Puts Border Patrol On The Hook For Another Illegal Immigrant Death**

[The Daily Caller](#) [2/20/2019 11:16 AM, Amber Athey, 867K, DC] reports the media is subtly pinning another death on U.S. Customs and Border Protection, despite the fact that the man who died in their custody Monday had an irreversible degenerative disease. According to a statement from CBP, a 45-year-old Mexican man was taken into custody in early February and was diagnosed with cirrhosis of the liver and congestive heart failure. The man died after spending most of his time in custody in the hospital. Cirrhosis is a degenerative liver disease and in its advanced stages can only be treated by a transplant. CBP says the official cause of death is unknown. Media outlets ran headlines suggesting the man died because he was taken into custody and immediately tied the incident to the recent deaths of two children in Border Patrol custody.

### **Advocates say US still separates migrant families needlessly**

[Washington Post](#) [2/21/2019 5:22 AM, Nomaan Merchant] reports that months after the Trump administration announced an end to its widescale separation of migrant parents and children, the policy remains a heated issue in the courts and at the border as critics contend the government is still needlessly breaking up immigrant families. The Texas Civil Rights Project released a report Thursday that counts 272 separations at a single Texas courthouse since June, when President Donald Trump issued an executive order ending widespread separations amid public outrage. In a statement, U.S. Customs and Border Protection argued the group incorrectly categorized cases involving other relatives because the Homeland Security Act "does not make concessions for anyone other than a parent or legal guardian." The government and the American Civil Liberties Union were due back in court Thursday to discuss what might be thousands of children who were separated before a June court order requiring the speedy re-unification of families. U.S. immigration



authorities say that under anti-trafficking law, children crossing the border without a parent or legal guardian must be processed as "unaccompanied," even if they are with an adult who isn't their parent or legal guardian.

**The Trump administration keeps breaking up migrant families. Here's how they do it**  
[USA Today](#) [2/21/2019 6:00 AM, Alan Gomez] reports that the Trump administration has been blocked from systematically breaking up migrant families, but hundreds of children crossing the border continue to be separated from their parents in a process requiring none of the oversight used to remove children in the United States from their homes, according to a USA TODAY review of the system. At the border, the removal decision is made solely by U.S. Customs and Border Protection agents in the field. No child welfare specialist is required, and no judge is involved in a decision that cannot be appealed. President Donald Trump and U.S. District Judge Dana Sabraw both ordered the Department of Homeland Security to stop separating migrant families as a systemic practice in June. However, there is an exception: When a parent presents a danger to a child. What constitutes a "danger" is not clearly defined, but can include obvious cases of abuse, where the child is covered in bruises, and harder-to-detect cases, where immigration agents believe a child is in peril. In the seven months after Trump and Sabraw issued their orders, Homeland Security separated at least 218 children from their parents in part by using the danger exception, according to the Department of Health and Human Services, which takes custody of the children once the family is separated. Once the decision to separate is made, the child is sent to the Department of Health and Human Services' Office of Refugee Resettlement, which takes custody of the child and starts searching for a suitable sponsor in the U.S. CBP says its agents are required to flag the separation in each case file, and provide a reason for the separation, but HHS officials and immigration attorneys say agents regularly fail to do so. [Editorial note: consult source link for video]

**Migrant Caravans Prove a Successful Formula for Mass Illegal Entry to US**  
[Epoch Times](#) [2/20/2019 5:10 PM, Charlotte Cuthbertson, 221K] reports Iris Rodriguez Portillo, 38, said she joined the migrant caravan after hearing about it on social media. She brought her 6 year old daughter from Honduras. She arrived in Piedras Negras, Mexico, on Feb. 4 with 1,800 other mostly Central American migrants, and has been staying in an old factory. Mexican officials say the de facto migrant camp will be cleared out by Feb. 21. Portillo said that while she was in Tapachula, Mexico, the United Nations gave her 3,700 pesos for her daughter, to help with food and other necessities. As with many other migrants, Portillo had been told she could easily walk into the United States and claim asylum. In reality, it's not quite so simple, as she discovered when she arrived at the old factory after being transported in buses and trucks most of the way. Mexican authorities issued Portillo and her daughter humanitarian visitor visas that are good until July 2020. She wants to cross to the United States and apply for asylum as soon as possible. Department of Homeland Security Secretary Kirstjen Nielsen traveled to El Salvador on Feb. 20 to meet with her counterparts from Guatemala, Honduras, and El Salvador to discuss migration and security issues in the region. The meeting is part of a campaign to step up cooperation in the region to bolster border security, target human-smuggling and trafficking organizations, prevent the formation of new migrant caravans, and address the root causes of the migration crisis, according to a Homeland Security statement. The Trump administration announced a \$10.6 billion foreign aid package for southern Mexico and Central America on Dec. 18.



## **Congressmen Call for U.S. Designation of Mexican Cartels as Terror Orgs — Los Zetas, Gulf in Crosshairs**

[Breitbart](#) [2/20/2019 6:30 AM, Bob Price, 2015K] reports that U.S. Representatives Chip Roy and Dr. Mark Green drafted a letter that will be sent to Secretary of State Mike Pompeo requesting specific Mexican cartel factions be designated as Foreign Terrorist Organizations. "These groups use terror to intimidate and to advance their agenda. They threaten the stability of governments across the globe. Even the United Nation's Security Council has recognized the clear link between drug trafficking and terrorism. In 2017, Immigration and Customs Enforcement made more than 2,300 fentanyl arrests and 405 seizures of fentanyl totaling 2,383 pounds. Cartels operate human trafficking operations into the U.S. that compel victims into forced labor or sexual slavery," the letter reads in part. Dr. Green added, "These cartels have utilized barbaric tactics including those adopted by ISIS and al Qaeda - murdering and torturing innocents, destabilizing countries and assassinating members of law enforcement. Moreover, they threaten our homeland security."

Additional reporting: [Washington Examiner](#) [2/20/2019 1:37 PM, Anna Giaritelli, 629K, DC]

## **End of immigration program gives Liberians in U.S. a choice: Leave their American children or become undocumented**

[Washington Post](#) [2/21/2019 6:00 AM, Orion Donovan-Smith] reports that Magdalene Menyongar's day starts with a 5:30 a.m. conference call with women from her church. They pray together as Menyongar makes breakfast and drives to work. They pray with increasing urgency for Congress or President Trump to act before Menyongar, 48, faces deportation to her native Liberia, where she fled civil war nearly 25 years ago. In less than six weeks, the order that has allowed her and more than 800 other immigrants from the former American colony in West Africa to live in the United States for decades will end, the result of Trump's decision last year to terminate a program that every other president since George H.W. Bush supported. Come March 31, Menyongar will face a choice: Return to Liberia and leave behind her 17-year-old daughter, an American citizen, or stay in the United States, losing her work authorization and becoming an undocumented immigrant. A class-action lawsuit filed Feb. 12 in a federal court in California seeks to block the Trump administration from ending temporary protected status (TPS) for immigrants from Honduras and Nepal. In October, a federal judge in the same court issued an injunction that stalled the end of TPS for citizens of four other countries. But that court action does not apply to the smaller and lesser-known "deferred enforced departure" (DED) program, which operates purely at the president's discretion and gives no statutory basis on which to sue. Like many Liberians who fled their country's back-to-back civil wars between 1989 and 2003, Menyongar applied for asylum when she arrived in America in 1994. Her request was denied when she was unable to reach relatives in Liberia to get proof of her family ties to a politician there, whose prominence she feared would make her a target should she return. Her attorney has advised that her surest option for a green card would be sponsorship by their daughter, Gabby Gworlekaju — something the teenager can't provide until she is 21.

## **Under Trump Administration, Some Vietnamese Immigrants Face Uncertain Fate**

[WBUR](#) [2/21/2019 6:11 AM, Shannon Dooling, 271K, MA] reports that there's increasing anxiety among Vietnamese immigrants across the country. For more than a year now, the Trump administration has been quietly renegotiating an agreement between the United States and Vietnam. The agreement has allowed some Vietnamese immigrants to live here for more than 20 years. Van Nguyen's lived in Dorchester since 1996. "I've heard that if you



were here before 1995, then you wouldn't be deported, but then I just learned today that it's not a law," Nguyen says. This is a common assumption among many in the Vietnamese-American community. It's based largely on more than a decade of U.S. immigration practice. 1995 marked the normalization of U.S.-Vietnamese diplomatic relations. The Vietnamese government still generally refused to accept anyone the U.S. was trying to deport. Since people wouldn't be accepted into Vietnam, U.S. immigration officials couldn't deport them. Phi Nguyen -- no relation -- is the litigation director at Asian Americans Advancing Justice in Atlanta. She says a 2008 agreement between the U.S. and Vietnam established parameters for deportation. "After years of negotiating, Vietnam essentially agreed to take back people who came to the U.S. after 1995 but not those that came to the U.S. before 1995," she says. It has resulted in thousands of Vietnamese nationals living in the U.S. with final orders of removal, many as a result of criminal convictions. Now the Trump administration is pressuring Vietnam to "take back" all Vietnamese nationals ordered deported, regardless of when they entered the country.

**[NC] Gaston sheriff: 287(g) 'benefit' to county**

[Gaston Gazette](#) [2/20/2019 3:12 PM, Dashiell Coleman, 7K, NC] reports Gaston County's sheriff says he has no plans to stop participating in a U.S. Immigration and Customs Enforcement program that's fueled controversy in other parts of North Carolina. "It's a public safety benefit to the people of this county, and I'll keep it as long as I can," Sheriff Alan Cloninger told Gaston County commissioners this month. Gaston is one of four counties in the state still participating in the program, which allows ICE to partner with local agencies and permit designated officers to perform some immigration law enforcement duties. North Carolina's two largest counties, Mecklenburg and Wake, stopped participating in the program last year. In Mecklenburg, a promise to cut ties with the program was a major part of in new Sheriff Garry McFadden's run for office last year. "This is the direct conclusion of dangerous policies of not cooperating with ICE," Sean Gallagher, who is in charge of ICE in the Carolinas, told The Charlotte Observer this month. "This forces my officers to go out onto the street to conduct more enforcement."

**[IA] Employers who hire undocumented immigrants could lose licenses under Iowa GOP bill**

[Des Moines Register](#) [2/20/2019 4:47 PM, Stephen Gruber-Miller, 125K, IA] reports businesses in Iowa could face the suspension or loss of their licenses if they knowingly employ workers who are in the country illegally, under a bill sponsored by more than half of the Iowa Senate. The measure, sponsored by 26 Senate Republicans, also requires employers to participate in the federal government's E-Verify program as a condition for receiving any government economic development incentives. The program is currently voluntary in Iowa, although it is required in other states. The bill passed a three-member subcommittee Wednesday morning on a 2-1 vote. It is already illegal under federal law to hire someone who is in the country illegally. If the bill becomes law, on a first offense, an employer would be required to fire all employees who are in the country illegally and be placed on a three-year probationary period. [Editorial note: consult source link for video]

**[IA] E-verify mandate advances in Iowa Senate**

[Chariton Leader](#) [2/20/2019 10:35 PM, Erin Murphy, IA] reports that Iowa businesses would be required to use an electronic verification system to ensure its employees are legal U.S. residents under a proposal advanced Wednesday by statehouse Republicans. Any business found to be employing workers who are not legal U.S. residents would lose state



licenses and permits under the proposal. Immigration issues typically are left to the federal government, but Julian Garrett, a Republican state senator from Indianola who ran the bill, and his Senate Republican colleague Jason Schultz, from Schleswig, said the proposal is needed as a security measure while federal lawmakers remain unable to pass immigration reform. Rob Hogg, a Democratic senator from Cedar Rapids, said he too is frustrated with federal inaction on immigration reform, but that he still thinks the state should defer to the federal government on immigration policy. According to a 2013 report from the Bipartisan Policy Center, a national think tank, one report suggested e-verify's error rate was just 4.1 percent -- 3.3 percent of which were unauthorized workers incorrectly authorized and .7 percent of which were authorized workers who were wrongly rejected. Garrett said his proposal is modeled after a similar Arizona law that was cleared in a legal challenge that reached the U.S. Supreme Court. Business groups that testified at Wednesday's hearing mostly said they were neutral or undecided of the bill, and some stated concerns in how such a law might be applied.

### **[TX] Dems Call For Investigations Into ICE Detention Practices**

[Law360](#) [2/20/2019 3:37 PM, Staff] reports that U.S. Immigration and Customs Enforcement officials came under fire Tuesday when Democrats called for multiple investigations into the force-feeding of detainees and reports that ICE officials neglected to provide prosthetic limbs to a double-amputee at a Texas center operated by a federal contractor. In a letter to U.S. Department of Homeland Security acting Inspector General John Kelly, 49 lawmakers expressed concern about reports that ICE has been forcibly using a feeding tube on detainees who have been protesting their detention by refusing to eat at facilities in several states, including the El Paso Processing Center in Texas. They urged the department's Office of Inspector General to investigate facility conditions and requested that the agency provide legal and policy justification for the use of a feeding tube. The group of lawmakers noted that the OIG had identified a "clear pattern of noncompliance at immigration detention facilities" in reports as recent as late January, in which the office said the agency was not sufficiently overseeing detention contractors to ensure they are meeting agency standards.

### **[TX] Understanding Border States' Reactions to Crisis Rhetoric**

[Arizona Public Media](#) [2/20/2019 2:06 PM, Lorraine Rivera, 6K, AZ] reports that Lorraine Rivera from Arizona 360 traveled to El Paso to meet with USA Today reporter Rick Jervis, who covers border and immigration issues in Texas. "I've talked to people who live along the border and asked them this same question, whether there is a crisis," Jervis said. "And sort of resoundingly I've been told there is not. They feel that what the Border Patrol is doing and what their local sheriff's department is doing are really good and they're keeping them safe." Jervis also described speaking to immigrants arriving at the border from Central American countries who told him they would continue to try to get into the U.S. even if they are deported. [Editorial note: consult source link for video]

## **Legal News**

### **DHS Dodges \$5M Suit Over Omissions In Immigrant Notices**

[Law360](#) [2/20/2019 5:51 PM, Tiffany Hu] reports the U.S. Department of Homeland Security escaped a suit Tuesday accusing it of engaging in "a host of unlawful practices" by omitting information from notices served to immigrants, with a D.C. federal judge finding the bonding agencies who brought the suit failed to show how exactly they were harmed. Bonding



companies Big Marco Insurance and Bonding Services LLC and Statewide Bonding Inc. and their guarantor, Nexus Services Inc., had alleged in their complaint last year that DHS unlawfully sent immigrants notices to appear in court without information on when and where to appear, making it more likely that the bonds would be breached and leaving the companies to foot the penalties. The companies sought at least \$5 million for having been forced to pay money for the relevant bonds. But U.S. District Judge James E. Boasberg found the allegations too vague regarding how the companies suffered as a result of DHS's immigration bond practices. Judge Boasberg thus granted DHS's motion to dismiss the complaint and denied the companies' bid for injunctive and declaratory relief, though he allowed Big Marco and the others to amend their claims within 21 days of Tuesday's order.

### **[MO] Migrant's Check Fraud Signals Moral Turpitude, 8th Circ. Says**

[Law360](#) [2/20/2019 8:21 PM, Tiffany Hu] reports that the Eighth Circuit on Wednesday denied a citizen of Bosnia-Herzegovina's petition for review of the Board of Immigration Appeals' decision to deport her after she was convicted multiple times of passing bad checks, with the panel saying that such convictions were deportable crimes of moral turpitude under the Immigration and Nationality Act. Determining whether Amela Dolic's previous convictions for check fraud made her deportable under the INA hinges on whether the crimes were of moral turpitude under the Missouri statute governing that crime. Although her conviction under the state statute was too broad, Dolic's convictions were based on a part of that statute defining a separate crime — "purpose to defraud" — which involved facts constituting a CIMT, the appellate panel said. Dolic came to the U.S. from Bosnia-Herzegovina as a conditional resident in 2005, and her status was changed to lawful permanent resident in 2009, according to the decision. In March 2017, she was convicted in Missouri state court of three counts of receiving stolen property and four counts of passing a bad check, the panel said. After the U.S. Department of Homeland Security then charged her with removability based on her convictions, she then asked an immigration judge to cease the proceedings as the department had failed to show how the convictions were CIMT, according to the decision. However, the immigration judge rejected her bid and the BIA upheld the judge's decision, leading to the present appeal.

### **[CA] Merced Judge's Ruling Stops Deportation Of Navy Veteran**

[Valley Public Radio](#) [2/20/2019 4:19 PM, Monica Velez, 1K, CA] reports about a dozen people walk out of the Merced County Superior Courthouse. "It's pouring cats and dogs right now," says ACLU attorney Michael Mehr. Mehr is elated because his client, Navy Veteran Joaquin Antonio Sotelo Tarin, won't get immediately deported. He served five years in the Middle East before he was honorably discharged in 2006. Sotelo Tarin went to prison for domestic violence crimes in 2013 and 2014, and his plea deal resulted in automatic deportation proceedings. Mehr says that's because his former attorney, Dominic Falasco, made mistakes. "The past attorney admitted on the stand that he never even inquired whether he was a citizen or a non-citizen and that's something that he usually says he inquires, but he made a mistake," Mehr says. "That mistake cost Mr. Sotelo a chance to try and get a sentence that would not cause mandatory deportation." On this day, the court remedied that mistake by lowering Sotelo Tarin's past prison sentences. Judge Jeanne Schechter ruled Sotelo Tarin didn't know he would land in automatic deportation proceedings when he took a plea deal in 2014. She thanked Sotelo for his service and said she hopes the federal government can work to improve the immigration system with respect to veterans in similar situations. During the court proceedings, two men



dressed in plain clothes from Homeland Security sat in the courtroom. "I've never seen ICE officers in court to testify and actually they said they were just there to observe and not to testify," Mehr says. Immigration and Customs Enforcement did not reply to a request for comment. Although Sotelo Tarin won't be deported for his domestic abuse crimes, he still has to fight his immigration case so there is a chance he could still be deported. [Editorial note: consult source link for audio]

## **Enforcement News**

### **The Number Of Illegals Caught At The Southwest Border Nearly Doubles, DHS Reports**

[The Daily Caller](#) [2/20/2019 1:35 PM, Jason Hopkins, 867K, DC] reports apprehensions of illegal migrants at the southwest border in January increased dramatically from the same time last year, and experts predict 2019 will experience increases in illegal migrant arrests overall. The U.S. Customs and Border Patrol reported a total of 47,893 apprehensions of illegal migrants in January at the southwest border, a region of the U.S.-Mexico border that is the most active. The number marked an increase of nearly 22,000 arrests, or 84 percent, from January 2018. The huge uptick could suggest more illegal immigrants will try to cross the U.S.-Mexico border in 2019 than originally anticipated. Nearly 467,000 apprehensions took place at the U.S. southern border in 2018, more than any other calendar year since at least 2012, according to an analysis by the Pew Research Center. While rising apprehensions can be indicative of more migrants attempting to enter the U.S., the numbers also reflect an evolving strategy among illegal migrants. Many illegal immigrants reach the border with the intention of getting caught by border patrol where they can then make an asylum claim.

### **BP: Apprehensions Down Overall Despite Recent Increase in Families**

[Arizona Public Media](#) [2/20/2019 4:38 PM, Staff, 6K, AZ] reports Custom and Border Protection's El Paso Sector covers more than 260 miles of border and also includes all of New Mexico. Of all nine sectors that comprise the southwestern border, the El Paso Sector has seen the largest increase in family units apprehended within the agency's last fiscal year. As of January, agents encountered more than 25,000 family units, representing an increase of nearly 1,600 percent compared to the fiscal year-to-date in January 2018. Spokesperson Joe Romero described a decrease overall in the number of apprehensions within the last decade, but said the recent influx of families has strained resources. "It takes a little bit more manpower, a lot more hours. But it works in cooperation with us working closely with [Immigration and Customs Enforcement]; working with other agencies to ensure that we're able to facilitate all of this," Romero said. "Right now, it's still manageable but it definitely puts more of a strain on what we're doing right now as opposed to what we were doing 10 or 12 years ago."

### **[NH] ICE detainee caught with handcuff key may get years in prison**

[New Hampshire Union Leader](#) [2/20/2019 10:54 PM, Kimberley Haas, 39K, NH] reports a detainee is facing seven years in prison for allegedly being in possession of a handcuff key while in custody. Rigoberto Villalona Contreras, 36, is charged with delivery of prohibited articles when officials discovered the handcuff key on him during a routine booking search Nov. 30 at the Strafford County jail, according to its superintendent, Chris Brackett. The Strafford County House of Corrections boards a number of detainees for the U.S. Immigration and Customs Enforcement Department. Brackett said they do not know where



the key came from, but it was not from the Dover facility.

**[RI] Mother detained by ICE still waiting to become U.S. citizen**

[WPRI](#) [2/20/2019 11:16 PM, Sarah Doiron, Caroline Goggin, 36K, RI] reports that more than one year after she was illegally detained by Immigration and Customs Enforcement officials, a Providence mother's future in the United States is still in limbo. In January 2018, Lilian Calderon was taken into custody by ICE officials after a marriage interview at an immigration office in Johnston. The Guatemalan native, who came to Rhode Island as a toddler, said she thought she was taking the next step to a lawful, permanent resident. Calderon is the lead plaintiff in a class-action lawsuit filed by the American Civil Liberties Union, challenging the Trump Administration's pattern of separating married couples who are pursuing immigration status. Several other New England couples are also involved in the lawsuit, which argues that non-citizen immigrants should be granted temporary relief to remain in the United States. Calderon said she is still waiting for a waiver that would allow her to go back to Guatemala and complete the final steps to become a U.S. citizen. Calderon and her husband Luis Gordillo have recently become highly involved in the "While They Wait" movement, which is a fund set up to support immigrants facing deportation. The fund provides them with money to pay for the necessities, including legal services. [Editorial note: consult source link for video]

**[NC] What Is The New Normal For Immigrants In North Carolina?**

[WUNC](#) [2/20/2019 12:22 PM, Amanda Magnus and Frank Stasio, 13K, NC] reports U.S. Immigration and Customs Enforcement agents detained at least 200 people in North Carolina earlier this month. In a press conference, ICE Atlanta Field Office Director Sean Gallagher told journalists that more visible enforcement is a direct consequence of decreased cooperation between ICE and local law enforcement agencies. In recent months, newly-elected sheriffs in Wake and Mecklenburg Counties have ended their 287(g) agreements with immigration officials, and the new sheriffs in Durham and Forsyth Counties have announced their decisions to end the practice of honoring ICE detainees. Host Frank Stasio talks to Bryan Cox to share how ICE is defining this "new normal" for immigrants in North Carolina. Cox is the southern region communications director for ICE. [Editorial note: consult source link for audio]

**[NC] Forsyth County Sheriff joins sheriffs in other counties to limit ICE access to detainees**

[WS Chronicle](#) [2/21/2019 4:00 AM, Staff, NC] reports that at a recent news conference outside the Forsyth County Detention Center called by Siembra NC and American Friends Service Committee, in support of a 24-year-old Honduran man who ended up in ICE custody via the Forsyth ICE-jail agreement, Sheriff Bobby Kimbrough, Jr. announced his intention to withdraw from the agreement with the U.S. Marshals Service which allows ICE open access to the jail. He said that would likely occur before the contract is up for renewal in April. At the same time, in a striking coincidence, confirmed ICE detentions in Greensboro, Burlington, Raleigh, Durham and Charlotte have led immigrant community members to disappear from work and avoid taking their children to school. Some pointed out that 70 percent of all ICE arrests take place in local and state jails, making them the most important source of ICE detentions. Removing ICE from the U.S. Marshals jail agreement will allow immigrants in the county to have more trust in local law enforcement. "ICE detention centers are full of people who have not been charged with a crime, have not had due process, and who have been separated from their families with no recourse.



Housing ICE detainees in our local jails means we aid and abet injustice."

**[GA] Man accused of deadly hit-and-run in Gwinnett denied bond**

[Atlanta Journal Constitution](#) [2/19/2019 5:00 PM, Zachary Hansen, 55K, GA] reports a Gwinnett County judge denied bond for a man accused of a fatal hit-and-run and called him a "danger to the community" Wednesday. Damien Arroyo Burgos, 44, is accused of hitting 61-year-old Darwin Dixon on Peachtree Industrial Boulevard on Feb. 4 and driving away, leaving him to die, AJC.com previously reported. Burgos' attorney, Kalpin Shah, told Channel 2 Action News his client thought he hit a deer instead of a person, which is why he shouldn't be charged with vehicular homicide, hit-and-run, driving without a license and other traffic citations. Duluth police Officer William Alexander testified in court, saying surveillance video tells a different story. "In the video, you see the victim go in a defensive position. He knew he was going to get hit," Alexander said. "The defendant slowed down after the contact. We intend on showing he did not know he hit a person." Burgos has remained in the Gwinnett County Detention Center since his arrest. He also has a hold placed on him by U.S. Immigration and Customs Enforcement, jail records show.

**[MO] Mother facing deportation gets warning from ICE**

[FOX 2 St. Louis](#) [2/20/2019 10:33 PM, Chris Regnier, MO] reports that the attorney for a longtime St. Louis County resident facing deportation claims that immigration authorities are unfairly pressuring her client and threatening to deport her before a pending court case could be decided. The latest developments unfolded after Ilsa Guzman-Fajardo was brought today from the Pulaski County Detention Center in southern Illinois to the Immigration and Customs Enforcement office in downtown St. Louis. Attorney Evita Tolu tells us authorities wanted Guzman to call Honduran officials and ask for travel documents so she can be flown back to her native country of Honduras. When Ilsa wouldn't cooperate, she was issued the warning, which she would not sign. Tolu also says an ICE agent told her that they would deport Guzman even though Tolu has a pending court motion to try and rescind the original deportation order in this case. Tolu said, "Filing motion to rescind with the immigration court automatically stays removal proceedings from the United States." An ICE spokesperson says officials are required to try and put illegal immigrants in touch with representatives from their native country. That spokesperson also tells us that the only order ICE has from a judge is the deportation order and unless they get another order regarding the pending motion they are moving forward with the deportation.

**[IL] Dwight Planning Commission OK's proposed ICE facility**

[Central Illinois Proud](#) [2/20/2019 4:17 PM, Munashe Kwangwari, 9K, IL] reports on Tuesday the Dwight Planning commission had their meeting to decide whether to recommend the Immigration and Customs Enforcement, or ICE, facility for approval or not recommend the item. After a three hour meeting, which included testimony of residents from all over Illinois, the commission decided to recommend the facility be approved by the board on February 25th. Over 25 people spoke out at the meeting stating the facility is wrong both ethically and morally. Afterward the lawyer representing Immigration Centers of America spoke on the issue. He said 10 years ago, Congress tried to find a better way to house immigrants trying to find a better life, adding they should not have to live in jail like a criminal. He went on to say, because of this the detention facility was born as an upgrade from a county jail. "In essence somebody whose only fault is coming to this country has to sit in jail before the civil issue on whether they can stay here or not is heard," said Attorney Frank Cortina. "So



Congress acted, Congress said no, we have to have better standards, we have to create detention facilities so that these people do not have to be held in jail." In a deal between Immigration Centers of America and Dwight, the village would get a dollar per day per detainee. That money, Dwight Village President Jared Anderson says, will be used to upgrade the village's sewage system.

### **[TX] Border Patrol agents fired upon by assailant in Mexico**

[Washington Times](#) [2/20/2019 12:39 AM, Stephen Dinan] reports that Border Patrol agents say someone on the Mexican side of the border shot at them on Sunday in Texas, though nobody was reported hit. The shooting occurred in the Border Patrol's Laredo Sector, and involved agents who'd been patrolling the banks of the Rio Grande. They spotted someone on the Mexican side who appeared to be sporting a long gun. The FBI is leading an investigation. While violent attacks from Mexico into the U.S. are not rare, they usually involve rocks or other items hurled over a section of border fence. Shootings, while not unprecedented, are rare.

### **[TX] Democrats want investigation of ICE force-feeding immigrants**

[CBS News](#) [2/20/2019 9:39 AM, Associated Press] reports nearly 50 Democratic lawmakers called for a watchdog investigation of U.S. Immigration and Customs Enforcement on Tuesday after the agency confirmed it had been force-feeding immigrant detainees on a hunger strike. Reporting by The Associated Press revealed late last month that nine Indian men who were refusing food at a Texas detention facility were being force-fed through nasal tubes against their will. On Thursday, all force-feeding at the detention center near the El Paso airport abruptly stopped after a U.S. district judge said the government had to stop involuntarily feeding two of the detained immigrants. The 49 lawmakers are calling for the Department of Homeland Security Office of Inspector General to investigate on-site conditions of ICE facilities and the policies surrounding the involuntary force-feeding of immigrant detainees. Earlier this month, the Geneva-based United Nations human rights office said that the United States could be violating the U.N. Convention Against Torture. ICE declined to comment directly on the request for an investigation Tuesday but said the agency has "a strict zero-tolerance policy for any kind of abusive or inappropriate behavior in its facilities." The agency said that if allegations of inappropriate behavior surfaced, they would be investigated by DHS Office of the Inspector General and ICE's Office of Professional Responsibility. "For their health and safety, ICE closely monitors the food and water intake of those detainees identified as being on a hunger strike," the agency said in a statement. "ICE does not retaliate in any way against hunger strikers." Detained immigrants have sporadically staged hunger strikes around the country for years, protesting conditions they face while seeking asylum. ICE said Tuesday 13 immigrants from Cuba, India, Mexico and Nigeria held in detention facilities nationwide were refusing food, but none were being force-fed.

### **[TX] Laredo shelter filled to capacity with migrants as court dates drag on**

[Laredo Morning Times](#) [2/20/2019 11:58 AM, Julia Wallace, 59K, TX] reports that for weeks Immigration and Customs Enforcement and Border Patrol have been transporting undocumented immigrants from Eagle Pass to Laredo as they await their court dates. Most of them have no intention of staying in Laredo. There is an established process the city believed these agencies would be following as they drop off these immigrants here, Co-City Manager Robert Eads said, but policy doesn't match what has been occurring. "We've been on the phone with them as late as (Monday) begging for them to schedule these buses in a



more appropriate timing manner," Eads said at Tuesday's City Council meeting. Councilwoman Nelly Vielma made a motion to write a formal letter to ICE headquarters on behalf of Laredo City Council asking that ICE improve communication, protocols and travel release plans when it comes to immigrants and families being released in Laredo.

#### **[TX] Former Load Trail workers facing deportation after summer immigration bust**

[KXII](#) [2/20/2019 10:48 PM, Meredith McCown, TX] reports that it's been almost six months since immigration officers detained nearly 160 employees from a Texoma trailer manufacturing company. One of the worker's daughters is a Honey Grove elementary student. He came into the country on a work permit, but didn't get it renewed so he was arrested during the Immigration and Customs Enforcement raid in August. But now his family is living in fear until his next court date. Her dad was one of the nearly 160 workers arrested at Load Trail for their illegal immigration status in August. Honey Grove superintendent Todd Morrison said his court date is set for 2020, which is when he could learn if he gets to stay in the country. Her dad is one of nine parents or guardians with students at Honey Grove schools arrested in the operation, affecting around 23 students. "They have families here in the United States. No criminal history, no criminal record," said immigration attorney Dylan James. He said people who are not legal citizens, even before they go immigration court, are a government priority for deportation.

#### **[CO] Crow Sends DHS Letter Over 'Serious Concerns' With Aurora ICE Facility Expansion**

[Colorado Public Radio](#) [2/20/2019 3:28 PM, Bente Birkeland, 31K, CO] reports that Democrat Jason Crow, Colorado's 6th Congressional District Representative, has "some serious concerns and questions" about the health and safety of roughly 1,500 potential detainees at a privately-run Immigration and Customs Enforcement facility in Aurora. He has sent a letter to Secretary of Homeland Security Kirstjen Nielsen. "The expansion of the Facility comes on the heels of two varicella outbreaks within months of one another, subjecting dozens of inmates to lengthy quarantines," Crow wrote in a letter dated Feb. 20, 2019. "Of note, it is my understanding that the Facility only has one physician for the entire population, even after the recent increase in detainees." The company behind the detention facility, GEO Group, recently opened an annex that increased overall capacity nearly 40 percent. The congressman went to tour the detention center Wednesday, but was not allowed inside because his visit had not been arranged in advance. Last June, the American Immigration Council and the American Immigration Lawyers Association filed a complaint that alleged, "dangerously inadequate medical and mental health care at the facility which threaten the health and well-being of affected detainees, as well as their ability to lawfully pursue their immigration and asylum claims."

[KUNC 91.5 FM](#) [2/20/2019 1:40 PM, Michael de Yoanna, 6K, CO] reports Immigration and Customs Enforcement responded to KUNC's request for comment after the original story posted. ICE said the agency "routinely supports tours of its detention facilities" by the public. "In order to ensure the safety, security and privacy of detainees, these tours are arranged in advance and with the approval of the field office director." ICE said the recently remodeled 432-bed annex at the Aurora facility opened in January: "Detainees in the annex receive hot meals and medical care including daily medications. The open environment allows for detainees to socialize. In addition, all pods have regularly serviced phones for detainees to contact family members and support groups. Mobile phones are also available for private calls to legal teams. ICE takes very seriously its responsibility to care for detainees."



Regarding disease at the facility, ICE issued this statement: "With the recent influx of migrants coming from the southern border, ICE has confirmed one new case of parotitis, mumps, at our Denver Contract Detention Facility (Aurora facility). Medical personnel are credited with reducing the further infection of detainees by their quick reaction to quarantine everyone who may have been inadvertently exposed to stop the spread of the disease. "Each detainee receives a medical examination upon arrival at the facility to check for potential signs of illness, however ICE has no way of knowing what viruses a person may have been exposed to prior to entering the facility. Mumps is highly contagious, easily contracted by nearby people and difficult to detect until symptoms appear. ICE and the medical professionals employed by GEO took the necessary steps to quickly isolate the exposed detainees, provide proper medical care and prevent further spread of the disease."

Reported similarly:

[FOX 31 Denver](#) [2/20/2019 2:30 PM, Joe St. George, 125K, CO]

[CBS Denver](#) [2/20/2019 12:25 PM, Staff, 62K, CO]

[Denver Post](#) [2/20/2019 6:43 PM, Sam Tabachnik, 380K, CO]

[KUNC](#) [2/20/2019 12:47 PM, Michael De Yoanna, CO]

[Sentinel Colorado](#) [2/20/2019 12:33 PM, Kara Mason, 2K, CO]

#### **[CO] Mumps Leads to Third Medical Quarantine at Immigration Detention Facility**

[Westword](#) [2/20/2019 6:25 PM, Conor McCormick-Cavanagh, 106K] reports that there's been another infectious disease quarantine at the immigration detention facility in Aurora. On Thursday, February 19, detainees who may have been inadvertently exposed to the mumps were quarantined, according to Immigration and Customs Enforcement. "With the recent influx of migrants coming from the southern border, ICE has confirmed one new case of parotitis, mumps, at our Denver Contract Detention Facility. Medical personnel are credited with reducing the further infection of detainees by their quick reaction to quarantine everyone who may have been inadvertently exposed to stop the spread of the disease," says Jeffrey D. Lynch, the Denver ICE field office director. This quarantine is the third at the facility, which is operated by the private prison company GEO Group, since October 2018. The two previous quarantines were the result of chicken pox outbreaks. ICE told us that GEO has beefed up its staff to handle the influx of new detainees that has come with the annex, which holds individuals for ninety days or less.

Reported similarly: [KUSA-TV](#) [2/20/2019 12:20 AM, Kristen Aguirre, 154K, CO]

#### **[CO] ICE: MS-13 gang member deported after being caught in Colorado**

[NBC 9 Denver](#) [2/20/2019 3:12 PM, Jacob Rodribuez, 154K, CO] reports an MS-13 member wanted for aggravated extortion was caught in Colorado this month by Immigration and Customs Enforcement, according to a news release from the Department of Homeland Security. Oscar Antonio Rosas-Alas, 23, of El Salvador was deported on Wednesday after being arrested without incident in Eagle County in March 2018, DHS said. Rosas-Alas was wanted on an Interpol warrant and was described as being armed and dangerous, an escape risk and having violent tendencies, DHS said. He is associated with the Mara Salvatrucha gang, more commonly known as MS-13, according to DHS. He remained in federal custody from March 19, 2018, until he was deported on Feb. 20. According to DHS, Rosas-Alas is believed to have entered the U.S. illegally near McAllen, Texas, in 2016. He then made his way to Colorado and quickly gained the attention of local law



enforcement. It wasn't long before Rosas-Alas was in ICE custody, DHS said. He was flown on an ICE Air Ops charter flight to Monsenor Oscar Arnulfo Romero International Airport in San Salvador, El Salvador on Wednesday.

Reported similarly: [9 News](#) [2/20/2019 12:47 PM, Jacob Rodriguez, CO]

**[CO] Immigrant teachers threatened with deportation if they join strikes**

[MSN News US](#) [2/20/2019 8:18 PM, Mike Elk and Christine Bolaños, 49830K] reports that since many types of visas require that workers be employed in order to stay in the country, the district warned that participating in the strike could jeopardize how the federal government views their work status. According to an analysis by the Guardian, more than 13,000 teachers were recruited from overseas on J-1 cultural visas during the last five years alone as a result of local shortages. According to the federal government, more than 18,000 educators teach on H-1B visas. In Texas, Missouri and elsewhere, immigrant teachers say that they have faced a culture of intimidation that has prevented many from speaking out. The Denver school district later apologized for the letter. Union officials said that under federal law, workers on visas who choose to engage in strikes with their co-workers are protected from deportation. Many immigrant teachers say that a combination of fear and lack of understanding of US labor rights kept some immigrant teachers from participating in teachers' unions.

**[CO] Guatemalan Immigrant Detained By ICE Reunited With Family After 2 Yrs**

[CBS San Francisco](#) [2/20/2019 7:30 PM, Staff, 80K, CA] reports that a Guatemalan immigrant jailed by U.S. Immigration and Customs Enforcement for nearly two years was released from a Colorado detention facility Tuesday, his supporters announced. Last week, Immigration Judge Joseph Park granted Raul Lopez, 46, a \$25,000 bond during a hearing in San Francisco, in which Lopez appeared via telephone conference, his attorneys said. The bond hearing was ordered by U.S. Magistrate Sallie Kim in January. Kim ruled that lawyers for Raul Lopez showed that Lopez had created significant changes in his situation by becoming rehabilitated from alcoholism since his last bond hearing in September 2017. According to the California Immigrant Youth Justice Alliance, which has been supporting Raul's family during his detention, Raul was reunited with his family Tuesday after the alliance helped raise the bond money. The government has 30 days to appeal Park's decision, Frances Kreimer, an attorney for Lopez said last week. [Editorial note: consult source link for video]

**[CA] With Mesa Verde potentially on the brink of closure, more than 70 lawyers and advocacy groups demand transparency**

[Bakersfield](#) [2/20/2019 5:32 PM, Sam Morgen] reports that a group of more than 70 legal service providers and advocacy groups are calling for more transparency of the Mesa Verde ICE Detention Facility in Bakersfield that could potentially be on the brink of closing. The GEO Group Inc., which runs the facility, has maintained a silence since the city of McFarland pulled out of an agreement with U.S. Immigration and Customs Enforcement that provided the legal basis for operations at Mesa Verde. ICE said it planned to use Mesa Verde as long as a viable contract remained in effect, but it said it could use other facilities across the U.S. if that no longer became an option. "ICE does operate a national system of detention bed space and will house detainees in other facilities as needed," Richard Rocha, a spokesman for ICE said in a statement. "If the facility is no longer available, each case will be reviewed and determinations on continued detention and potential transfers will be made on a case-by-case basis." McFarland notified ICE it intended to terminate the IGSA



on Dec. 19, making the possible closure date of Mesa Verde March 19. Complicating the matter, California passed a law in 2017 that prevented cities and counties from entering into new contracts with ICE to hold noncitizens, which could potentially leave ICE with little choice but to pull out of Mesa Verde. The list of groups that signed the statement demanded that if Mesa Verde was to be closed, that ICE provide an exact timeline for the closure, including what plans exist for the transfer, relocation or release of those detained at the facility. They also demanded that any detainee eligible to be released be reunited with their families if the facility should close.

#### **[CA] Guatemalan Immigrant Who Spent 2 Years In Ice Custody Freed, Reunited With Family**

[San Francisco Gate](#) [2/20/2019 9:32 PM, Staff, CA] reports a Guatemalan immigrant jailed by U.S. Immigration and Customs Enforcement for nearly two years was released from a Colorado detention facility Tuesday, his supporters announced. Last week, Immigration Judge Joseph Park granted Raul Lopez, 46, a \$25,000 bond during a hearing in San Francisco, in which Lopez appeared via telephone conference, his attorneys said. Lopez was initially detained by ICE agents in March 2017 and was held at the West County Detention Center in Richmond. In September 2018 Lopez was moved, unbeknownst to his family, to a detention facility in Aurora, Colo. after the Contra Costa County Sheriff's Office ended its contract with ICE to house its detainees. At his initial 2017 bond hearing, a judge determined he was a danger to the public and denied his release because of three misdemeanor DUI convictions between 2010 and 2016. According to the California Immigrant Youth Justice Alliance, which has been supporting Raul's family during his detention, Raul was reunited with his family Tuesday after the alliance helped raise the bond money.

#### **[El Salvador] Trans woman denied asylum by Trump administration murdered after deportation to El Salvador: report**

[Salon](#) [2/20/2019 7:11 PM, Matthew Rozsa, 758K] reports President Donald Trump's tough anti-immigrant policies look to have resulted in the death of a trans woman who was murdered in El Salvador after being denied asylum at the U.S.-Mexico border. According to Salvadoran trans advocacy group Asociación Aspidh Arcoiris Trans, a woman known as Camila was murdered in the municipality of Soyapango outside that country's capital after being sent back by the Trump administration. Activists told the Blade that Camila had tried to immigrate to the United States because of threats she had received in El Salvador. She was quickly deported to El Salvador after reportedly being denied asylum in the U.S. under the Trump administration's stricter requirements and died 4 to 5 months later. Tragically, Camila is not the first trans woman to be murdered in El Salvador. "The Blade earlier this month confirmed U.S. Immigration and Customs Enforcement was housing 45 trans women at a privately-run detention center in Texas," The Blade reported.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Friday, Feb. 22, 2019**

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## Executive Office for Immigration Review

**Trump plan fails to cut immigration court backlog, as caseload soars more than 26%**  
[Los Angeles Times](#) [2/21/2019 12:45 PM, Molly O'Toole, CA] reports the Trump administration's controversial plan to shrink the ballooning backlog of immigration cases by pushing judges to hear more cases has failed, according to the latest data, with the average wait for an immigration hearing now more than two years. Since October 2017, when the Justice Department approved a plan aimed at reducing the backlog in immigration court, the pending caseload has grown by more than 26%, from 655,932 cases to just shy of 830,000, according to Syracuse University's Transactional Access Records Clearinghouse. Because the system's roughly 400 immigration judges were furloughed during the shutdown, some 60,000 hearings were canceled. Thousands were rescheduled, adding to the already long wait times. The administration "has not only failed to reduce the backlog, but has eroded the court's ability to ensure due process" by pressuring judges to rule "at a breakneck pace" on whether an immigrant should be removed from the United States, the American Immigration Lawyers Assn. said in a statement.

When the Justice Department's Executive Office of [for] Immigration Review released its plan, officials described it as a "comprehensive strategy for significantly reducing the



caseload by 2020," according to a partially redacted copy of an October 2017 memo obtained by the immigration lawyers group through a Freedom of Information Act request. "The size of EOIR's pending caseload will not reverse itself overnight," the memo said, but by fully implementing the strategy, the office can "realistically expect not only a reversal of the growth of the caseload, but a significant reduction in it." Instead, the average wait has grown by a month from January alone, to 746 days. The number of pending immigration cases has risen dramatically in recent years, doubling from less than 300,000 in 2011 to 650,000 by December 2017, according to the Justice Department. The Trump administration's plan to reverse the backlog included a number of controversial steps. One move restricted the ability of immigration judges to schedule and set priorities for their cases under a process known as "administrative closure." Within three months of the memo, Immigration and Customs Enforcement had moved to reschedule 8,000 cases, prompting concern from lawmakers, according to the immigration lawyers association. The administration's plan also tied immigration judges' individual performance reviews to the number of cases they complete, calling for them to finish 700 removal cases in the next year. "As long as we continue to allow the court to be used as a law enforcement tool," said Ashley Tabaddor, president of the National Assn. of Immigration Judges, "you're going to get these kinds of backlogs and inefficiencies." Stepped-up enforcement without a corresponding increase in judicial resources provides the main reason the backlog has gone up so dramatically, said Stephen Legomsky, Homeland Security's chief counsel for immigration from 2011 to 2013. "Immediately upon taking office, President Trump essentially advised Border Patrol agents and ICE officers that they were to begin removal proceedings against anyone they encountered that they suspected of being undocumented, without sufficiently increasing resources for immigration judges," Legomsky said.

The quota effort could also prevent attorneys from providing representation to immigrants, according to the Assn. of Pro Bono Counsel. Between October 2000 and November 2018, about 82% of people in immigration court without attorneys were either ordered deported or gave up on their cases and left the country voluntarily, while only 31% of those with lawyers were deported or left. The administration has succeeded in speeding the hiring of new immigration judges by 74%. The number of immigration judges has grown from 338 when the plan was introduced to 414 by the end of 2018.

### **DOJ Internal Memo Mapped Sweeping Immigration Court Changes**

[Law360](#) [2/21/2019 9:03 PM, Nicole Narea, 74K] reports that the U.S. Department of Justice's Executive Office for Immigration Review quietly laid the groundwork for sweeping changes in the immigration court system, introducing performance metrics for immigration judges and eliminating certain docket management tools, in an October 2017 internal memo released by immigrant advocates Thursday. The partially redacted memo -- obtained by the American Immigration Lawyers Association and the American Immigration Council via a Freedom of Information Act request -- outlines a five-pronged strategy to reduce the immigration court backlog, which has swelled from about 520,000 to over 820,000 over the course of President Donald Trump's presidency, according to data from the Transactional Records Access Clearinghouse at Syracuse University. Signed by Deputy Attorney General Rod Rosenstein, the memo endorses the hiring of more immigration judges, increasing the use of videoconferencing to conduct hearings, standardizing court dockets, building a culture that prioritizes efficient case completion, better coordination with the U.S. Department of Homeland Security and changing laws and regulations that cause caseloads to build up.



## Policy and Legislative News

### House Dems Start Process To Block Emergency Declaration

[Law360](#) [2/21/2019 7:05 PM, Michael Macagnone] reports that Democrats put the wheels in motion to challenge President Donald Trump's national emergency declaration to build a wall on the Mexican border, announcing Thursday their plans to move forward with a challenge in Congress. House Democrats plan to introduce a measure to disapprove of Trump's national emergency declaration on Friday, the next act in the monthslong struggle over the president's \$5.7 billion wall funding demand. House Speaker Nancy Pelosi, D-Calif., circulated a letter to colleagues Wednesday calling for bipartisan support for the resolution from Rep. Joaquin Castro, D-Texas, that would reverse the declaration under the National Emergencies Act. "The President's decision to go outside the bounds of the law to try to get what he failed to achieve in the constitutional legislative process violates the Constitution and must be terminated. We have a solemn responsibility to uphold the Constitution, and defend our system of checks and balances against the President's assault," Pelosi wrote. The resolution, if it passes both chambers, would be sent to Trump for his likely veto.

### Groups Ask Court To Halt 'Remain In Mexico' Migrant Policy

[Law360](#) [2/21/2019 6:46 PM, Suzanne Monyak] reports the American Civil Liberties Union, Southern Poverty Law Center and other legal advocates asked a California federal court on Wednesday to block the Trump administration's recent policy pushing migrants seeking to enter the U.S. at the southwestern border, including asylum seekers, back into Mexico to await decisions on their immigration cases. In a motion for a temporary restraining order, filed late Wednesday on behalf of 11 asylum seekers and several nonprofits that provide legal services to immigrants, the advocacy organizations argued that they are likely to succeed with their claims that the so-called Remain in Mexico policy is illegal under the federal immigration statute and the Administrative Procedure Act. The policy, which went into effect last month, will also hinder their abilities to access counsel and properly make their asylum cases in immigration court, according to the motion. The lawsuit was filed on Feb. 14, a few weeks after the U.S. Department of Homeland Security put into effect its new policy sending migrants back to Mexico until their immigration claims are decided. DHS first announced in December its plans to return migrants who cross the southwestern border "illegally or without proper documentation" to Mexico while their immigration court cases are pending. "'Catch and release' will be replaced with 'catch and return,'" Homeland Security Secretary Kirstjen Nielsen said in a Dec. 20 statement when the policy was announced. The Trump administration is drawing its authority for the action from a provision of the Immigration and Nationality Act known as Section 235(b)(2)(C), which says that when certain foreign citizens cross the U.S. border on land, "whether or not at a designated port of entry," from a bordering foreign territory, the U.S. attorney general "may return the alien to that territory pending" removal proceedings. The ACLU's lawsuit argues that the protocols conflict with language in the INA exempting certain individuals, including those in expedited removal proceedings, from the government's authority to return them to bordering territories.

[Newsweek](#) [2/21/2019 12:26 PM, Chantal Da Silva, 2656K, NY] reports that the group filed a motion on Wednesday arguing that the government's new "Remain in Mexico" policy puts the lives of vulnerable asylum seekers at risk. Immigration groups have argued that the policy goes against a "bedrock principle of U.S. and international law known as



nonrefoulement," which "prohibits the United States from returning individuals to countries where they are more likely than not to face persecution, torture, or cruel, inhuman, or degrading treatment." Asked to comment on the filing, Justice Department spokesperson Steve Stafford referred CNN to a statement he made last week asserting that "congress has explicitly authorized the Department of Homeland Security to return aliens arriving from a contiguous foreign territory to that territory during that alien's immigration court proceedings. The Department of Justice will defend the Department of Homeland Security's lawful actions in court."

**A border wall isn't enough – Asylum laws must be stricter to cut illegal immigration**

[FOX News](#) [2/21/2019 4:37 PM, Ryan James Girdusky] reports that because of multiple lawsuits challenging his declaration of a national emergency, we don't know if President Trump will be able to carry out his plans to use \$8 billion in federal funds to build a barrier along parts of the U.S.-Mexico border to reduce illegal immigration. But even if the courts side with the president no wall or fence alone will stop immigrants from crossing our southern border in large numbers. That's because in recent years illegal immigrants have learned to exploit loopholes in our asylum laws. Many voluntarily turn themselves in to Border Patrol agents as soon as they cross into the U.S. and fraudulently claim asylum. Each asylum claim is referred to federal immigration court, where it takes an average of 578 days for a decision to be reached on a request. Because of this huge court backlog, more than 809,000 immigrants are waiting for their asylum claims to be heard in immigration court. While waiting for a decision on their asylum claims, illegal immigrants get to stay in the U.S. Many don't show up when their immigration court hearings are finally scheduled and simply continue staying in America illegally. Approximately 600,000 people disappeared before their asylum hearings between 2003 and 2015. [Editorial note: consult source link for video]

**At least 245 children have been separated at border since June, Trump admin says**

[CNN](#) [2/21/2019 11:27 AM, Priscilla Alvarez] reports that since the Trump administration announced it would end its practice of separating families apprehended at the southern border last June under its "zero tolerance" immigration policy, at least 245 children have been separated from their parents, according to a new court filing. The court will hold a hearing Thursday. The American Civil Liberties Union originally filed the case against the Trump administration last year on behalf of a Congolese woman, referred to as "Ms. L," who was seeking asylum in the US and was separated from her 7-year-old daughter. District Judge Dana Sabraw issued a preliminary injunction last June blocking most family separations at the US-Mexico border and ordering that those already separated be reunited. As of February 13, the government has discharged 2,735 of 2,816 possible children who fell under the Ms. L lawsuit, according to Wednesday's court filing. There are also five children in the care of the Office of Refugee Resettlement. Of the children who were separated as of last June, 62 are no longer in Office of Refugee Resettlement care, according to the court filing.

Additional reporting:

[Washington Post](#) [2/21/2019 8:30 PM, Maria Sacchetti and Tony Perry, 9763K]

[USA Today](#) [2/21/2019 4:15 PM, Alan Gomez]

[Washington Examiner](#) [2/21/2019 4:13 PM, Anna Giaritelli, 629K, DC]

[VOX](#) [2/21/2019 2:40 PM, Dara Lind, 2855K]



### **Asylum seekers sent back to Mexico under Trump policy face another challenge — finding a lawyer**

[Los Angeles Times](#) [2/21/2019 1:15 PM, Kate Morrissey, 3575K, CA] reports many of the asylum seekers returned to Tijuana to wait for their U.S. immigration court proceedings under a recent Trump administration policy may face those hearings without lawyers. Weeks after U.S. officials began sending back certain asylum seekers, attorneys are still trying to figure out whether they're even allowed to practice in Tijuana, let alone whether their organizations have the resources to send staff across the border. Scores of people, including children with their families, have been returned, according to Mexican immigration officials. The first hearings for returnees are about a month away. They need to be seen immediately to give attorneys time to prepare, said Carmen Chavez, executive director of Casa Cornelia, a San Diego nonprofit that provides free legal representation in asylum cases. Her organization focuses on helping those who are most vulnerable, such as unaccompanied children, navigate the system. She criticized U.S. officials for implementing the new policy without infrastructure in place to ensure access to legal representation. The Department of Homeland Security did not respond to questions about access to counsel for those returned under the new program. Not having an attorney can make a big difference in the outcome of an immigration court case. Between October 2000 and November 2018, about 82% of people in immigration court who didn't have attorneys were ordered to be deported or gave up on their cases and left voluntarily, according to data from the Transactional Records Access Clearinghouse of Syracuse University. In contrast, of those who had lawyers, only 31% had the same outcomes. In that same time period, about 53% of those facing immigration court did not have attorneys, according to that same data.

### **New migrant caravan forms as Mexican cities that border US keep swelling with asylum seekers**

[FOX News](#) [2/21/2019 12:32 PM, Griff Jenkins, 9216K] reports that yet another caravan of more than 1,000 mostly Central American migrants has crossed Mexico's southern border, according to officials. They clashed briefly with federal police and immigration agents but were able to overwhelm the officials and enter illegally. The new caravan begins the march north toward the United States as border cities like Ciudad Juárez are swelling with migrants already here from previous caravans — with more arriving from the closure of the shelter in Piedras Negras on Wednesday. Such pressures on U.S. border cities like El Paso, Texas, which is across from Ciudad Juárez, are evident in the number of apprehensions for illegal entry, which is up 478 percent this year. As of this week, there have been 43,238 apprehensions in the El Paso sector this fiscal year -- compared to 7,481 at this same point last year, according to U.S. Customs and Border Protection.

[Texas Tribune](#) [2/22/2019 1:01 AM, Julián Aguilar, 102K, TX] reports that on Monday morning, Iris Portillo wasn't sure where she would end up later in the week. About one thing she was certain - she didn't want to get bused to another Mexican border city. Just a few feet away, Raul Reaños also was contemplating his immediate future as the number of migrants in the shelter -- a factory building ringed by Mexican police -- quickly dwindled with each departing bus. Both had traveled with the most recent migrant caravan -- this one departed from Honduras last month and reached Piedras Negras on Feb. 4 -- and both said they had planned to apply for asylum in the United States. They said they were prevented from doing so by Mexican government officials who instead allowed them to apply for visas to travel and work in Mexico. Only about a dozen a day were allowed to apply for asylum -- U.S. officials said that was all they could process.



### **U.S. could limit asylum for family members threatened with harm**

[NBC News](#) [2/21/2019 12:43 PM, Suzanne Gamboa, 4061K] reports that the Trump administration is considering narrowing the pathway for granting asylum to immigrants based on claims that violence or threats of violence against their family members also puts them at risk. Former acting Attorney General Matthew Whitaker decided to review whether family membership as a "social group" meets a more stringent test, a change that could affect thousands. A client of Bradley Jenkins, an attorney who works with Catholic Legal Immigration Network Inc., was denied asylum by a lower court and by the Bureau of Immigration Appeals, but the appeals panel upheld the principle that having a well-founded fear of persecution on account of family membership can be considered a protected characteristic for asylum purposes, Jenkins said. The law allows the attorney general to review decisions by the appeals bureau, so Whitaker referred the case to himself to determine "whether and under what circumstances an asylum-seeker may establish persecution on account of membership in a particular group based on membership in a family unit."

"We believe that if someone is going to hurt you because of who your family is, that is right in line with what the asylum law protects," Jenkins said. The Department of Homeland Security has agreed with that view, saying in a 2016 brief that in virtually every society in the world, families qualify as particular social groups, he said. The Bureau of Immigration Appeals first considered what a social group means in asylum law in 1985. The panel said it means things based on characteristics that are fundamental to identity and conscience, like kinship ties. The review of the asylum issue comes after Jeff Sessions, then the attorney general, used the same process to decide that victims of domestic and gang violence were not eligible for asylum. In that decision, Sessions questioned whether family membership should be grounds for asylum.

### **Report: Department of Homeland Security is ill-equipped to protect the lives of indigenous immigrants**

[ThinkProgress](#) [2/21/2019 8:00 AM, Rebekah Entralgo, 402K, DC] reports the language barriers between officials from the Department of Homeland Security and indigenous immigrant and asylum seekers have life-or-death consequences, according to a new report released by the Center for American Progress. The CAP report was conducted in response to the deaths of Maya children in the custody of the Customs and Border Protection agency. Jakelin Caal Maquin, a 7-year-old girl from Guatemala, of Maya Q'eqchi' descent, died of severe dehydration in CBP custody in December; Felipe Gomez Alonzo, an 8-year-old boy Guatemalan boy of Maya Chuj descent, died of the flu in a New Mexico hospital on Christmas Eve, also while in CBP custody. Neither children spoke English or Spanish; rather, they were speakers of the indigenous languages K'iche and Chuj, respectively. Indigenous individuals come into contact with DHS officers at almost every stage of the immigration process. Such immigrants are frequently marginalized and discriminated against in their countries of origin, and more often than not feel as if they've no right to speak up on their own behalf. In these cases, having the opportunity and the ability to clearly communicate their needs to immigration officials, and to have these communications understood, is an essential lifeline. This is especially important considering the first stop for many of these immigrants, once they find themselves in the United States are CBP holding cells nicknamed "Hierlas," or "Iceboxes." Immigrants are unlikely to receive medical attention in either CBP hierlas or Immigration and Customs Enforcement detention centers unless they have the ability to advocate for themselves.



**Many immigrants with Temporary Protected Status face uncertain future in U.S.**

[Pew Research Center](#) [2/21/2019 2:00 PM, D'Vera Cohn, Jeffrey S. Passel and Kristen Bialik, 277K] reports many immigrants who have time-limited permission to live and work in the United States under Temporary Protected Status face an uncertain future as the White House and lawmakers from both parties wrangle over immigration policy and border security issues. Roughly 318,000 people currently have this protected status after fleeing their countries because of war, hurricanes, earthquakes or other extraordinary conditions that could make it dangerous for them to live in that country. Nearly all are expected to lose their benefits either this year or next. Federal officials have said that TPS is meant to provide temporary rather than long-term relief. The Department of Homeland Security said last year that it would not extend Temporary Protected Status for immigrants from six of the 10 nations that are now eligible. Of those six nations, five will face TPS expirations this year. Only those from South Sudan, Syria, Yemen and Somalia have received TPS extensions with the possibility of future extension. Elaine Duke, then acting secretary of the Department of Homeland Security, said in a 2017 announcement that conditions in Nicaragua had improved enough that the TPS designation would be terminated in January 2019, but that was later pushed back as a result of an injunction by a U.S. District Court.

**[MN] Linda Clark tells her story as local Liberians plan Friday rally for 'DED Awareness' at the state Capitol**

[MinnPost](#) [2/21/2019 9:58 AM, Jim Walsh, MN] reports that Linda Clark had been part of an immigration roundtable discussion hosted by U.S. Rep. Ilhan Omar, DFL-Fifth District to tell her story to the few gathered members of the media — about living in war-torn and poverty-stricken Liberia, coming to the United States to start a new life, and how it could all come to an end in a month. Clark is facing potential deportation under President Donald Trump's threat to do away with the Deferred Enforced Departure (DED) policy that has allowed Clark and other Liberians to live and work and raise families in the United States since 2007. If the edict goes through, it could mean the deportation of hundreds if not thousands of the estimated 30,000 Liberians living in Minnesota. "If Trump doesn't extend DED what happens depends upon what the person's situation was before they acquired DED," said Michelle Rivero, director of the Office of Immigrant and Refugee Affairs (OIRA) in Minneapolis. "If the person had an existing removal order, they could be served a notice to present themselves before ICE to be removed/deported. If the person was never in immigration court proceedings, they could be issued a notice to appear in immigration court to start removal proceedings."

**[TX] Separated mother reunited with daughter in Houston, part of 'thousands' not included in judge's order**

[Houston Chronicle](#) [2/21/2019 6:52 PM, Lomi Kriel, 199K, TX] reports the Border Patrol agent told Sara Caal that she was taking her 5-year-old daughter to get a cookie and would bring her right back. She never did. Like many Central American parents fleeing poverty and violence, the Guatemalan mother trekked to the Texas border last summer, hoping to ask for asylum. The 20-year-old said she had been raped twice and beaten so hard that her teeth were knocked out. Her assailants mocked her indigenous Mayan heritage, saying, "You Q'eqchi people are like dogs," according to a sworn affidavit filed in her asylum case. By the time Caal crossed the Rio Grande near Brownsville last May, President Donald Trump's administration was at the height of enforcing its "zero tolerance" policy of prosecuting parents for crossing the border illegally and placing their children in shelters. In June, Trump rescinded the policy and U.S. District Judge Dana M. Sabraw ruled that more



than 2,600 separated children must be reunited with their parents. But Caal, whose daughter had been released to her husband in Houston days before the judge's order, was not included. She remained imprisoned for nine months in the South Texas Detention Center, barely evading deportation. On Thursday, after months of legal advocacy, the mother was tearfully reunited with her daughter Alida at Houston's George Bush Intercontinental Airport.

**[CA] L.A. County's New Sheriff Announced Reforms to Limit ICE. Immigrant Rights Groups Don't Think They Go Far Enough.**

[Pacific Standard](#) [2/21/2019 11:00 AM, Massoud Hayoun, 90K, CA] reports a coalition of Los Angeles immigrant rights groups, many of which championed L.A. County Sheriff Alex Villanueva's long-shot campaign during the mid-term elections last year, wrote in an open letter Monday that he has "betrayed" them in just a few weeks in office by walking back pledges to limit Trump administration Immigration and Customs Enforcement agents' reach in the city. The letter comes on the heels of Villanueva's announcement last week that his department—the largest such in the nation—was considering reforms to reduce the number of misdemeanors that are considered cause for deportation and to stop the department from publishing inmate release dates on its website—data which is shared with ICE. While Villanueva's department maintains that ICE agents will no longer be allowed at county jails, it will continue to allow ICE contractors to transfer undocumented inmates into ICE custody. "Replacing ICE agents with ICE contractors to handle the arrest and transfer of individuals to ICE is a cosmetic difference with the same result," according to the letter, whose top signatory was the American Civil Liberties Union of Southern California. "The voters elected you because of your promise that you would end LASD's facilitation of deportations, but your proposed policy would continue that practice virtually unabated." Villanueva had been set to unveil broader proposals for changes to how his department interacts with ICE last Friday. He has yet to release that information, and, in its letter Monday, the coalition of immigrant-rights defenders demanded, among other things, that Villanueva stop the transfer of any inmates to ICE altogether. "If you intend to continue ICE transfers and notifications, only do so for serious or violent felony convictions, with a washout period of three years," the letter says.

## **Legal News**

**[TN] Workers detained in massive Tennessee raid sue ICE officers**

[NBC News](#) [2/21/2019 3:07 PM, Daniella Silva] reports that April 5 of last year began like any other day for Martha Pulido. But after arriving at her job in a meatpacking plant near Morristown in East Tennessee, she suddenly heard officers yelling at workers to put up their hands, she said. "From one moment to the next, the plant turned to chaos," Pulido said in Spanish. Immigration officers yelled and dashed throughout the plant, she said. She could hear helicopters. At the time, it was the largest work-site raid by Immigration and Customs Enforcement in nearly a decade, with nearly 100 workers taken into custody on suspicion of being in the country illegally. On Thursday, two advocacy groups and a law firm filed a lawsuit against immigration officers, accusing them of unlawful searches and arrests, racial profiling and excessive force. "When a raid of this scale happens in our communities, it's like a bomb goes off," Stephanie Teatro, executive co-director of the Tennessee Immigrant and Refugee Rights Coalition, said during a news teleconference Thursday announcing the lawsuit. The suit was filed in federal court in Knoxville by the National Immigration Law Center, the Southern Poverty Law Center, and the law firm of Sherrard, Roe, Voigt and



Harbison on behalf of seven named workers and about 100 unnamed ones who were detained during the raid. The suit, which names nine federal officials and includes 30 unnamed ICE agents, claims the workers' rights were violated and seeks monetary and punitive damages. An ICE spokesperson told NBC News it does not comment on pending litigation, but that, in general, "ICE activities are conducted in full compliance with federal law and agency policy." The spokesperson said ICE's Homeland Security Investigations division "equally focused" enforcement efforts on employers who knowingly hire unauthorized workers as well as those employees. "The Southeastern Provision case was always a federal criminal investigation that also resulted in administrative immigration arrests," the spokesperson said. "To describe the operation as an immigration enforcement action is inaccurate; it was a federal criminal investigation that also resulted in immigration arrests."

[Law360](#) [2/21/2019 8:16 PM, Nicole Narea] reports that, seeking unspecified damages, the seven named plaintiffs claimed that ICE officials had violated their Fourth and Fifth Amendment rights to equal protection under the laws and protection against unlawful searches and seizure. During the raid, the largest in almost a decade, officials arrested Latino workers and allegedly treated them aggressively, but did not arrest any white workers or subject them to similar treatment, according to the complaint. The Department of Justice said at the time that it found at least 104 immigrants illegally employed at the plant, but according to the complaint, only 11 of the workers were eventually charged. ICE officials had sought to search the facility as a result of an Internal Revenue Service investigation into tax and immigration violations committed by the plant's owner, James Brantley. An IRS warrant authorized the officials to search for and seize his financial documents, but not to arrest the workers, according to the complaint.

[Knox News](#) [2/21/2019 4:41 PM, Matt Lakin, TN] reports about 40 of the workers held in the roundup have come home on bond as their cases wind through federal immigration court. The plant's owner, James Brantley, pleaded guilty to federal charges of fraud and tax evasion and was fined \$41,000 for unsafe working conditions found at the plant.

Reported similarly:

[Washington Post](#) [2/21/2019 6:09 PM, Jonathan Mattise]

[CNN](#) [2/21/2019 6:29 PM, Catherine E. Shoichet]

[WBIR Knoxville](#) [2/21/2019 2:28 PM, Staff, 55K, TN]

[WATE](#) [2/21/2019 4:52 PM, Staff, 32K, TN]

[WVLT](#) [2/21/2019 2:09 PM, Staff, 27K, TN]

#### **[CO] ACLU lawsuit against Teller County sheriff dismissed by judge**

[KRDO](#) [2/21/2019 9:00 PM, Scott Harrison, 30K, CO] reports that the Teller County Sheriff's Office is no longer being sued by the American Civil Liberties Union over holding prisoners with immigration issues at the request of U.S Immigration and Customs Enforcement. A judge dismissed the lawsuit this week -- seven months after the ACLU filed it -- after both sides apparently agreed to drop the case. The ACLU said Sheriff Jason Mikesell didn't have the authority to hold an inmate 48 hours past his release until ICE officials could arrive to assume custody. Last August, a month after the lawsuit was filed, a judge denied the ACLU's request for an injunction to have Canseco released on a bond of \$850. At the time, Mikesell said ICE gave him the authority to detain Canseco and that doing so would protect the community from a potentially dangerous criminal. In a statement released Thursday, the ACLU said: "Under Colorado law, Sheriff Mikesell has no authority to enforce federal



immigration law. A written agreement with ICE cannot change that. In an appropriate case we will raise these issues in court. We agreed to the dismissal of the Canseco case because the court was unlikely to consider our legal arguments, since our client had left jail long before the agreement came into effect." [Editorial note: consult source link for video]

## Enforcement News

### **Former acting director of ICE says border wall not 'moral issue' but 'important tool'**

[The Hill](#) [2/21/2019 12:50 PM, Tess Bonn, 3038K] reports former acting Director of U.S. Immigration and Customs Enforcement John Sandweg on Thursday told Hill.TV's Krystal Ball and Buck Sexton on "Rising" that the border wall is not a "moral issue," but rather an "important tool" to help with border security. President Trump last Friday declared a national emergency at the U.S.-Mexico border after failing to secure his demanded \$5.7 billion in a funding bill. Sandweg argued that the U.S. is suffering from a humanitarian crisis – not a security crisis at the southern border. The former acting ICE chief said that taxpayer money should be used to beef up other areas of border security, such as improving technology for border patrol agents and hiring more judges to address the backlog of cases that have "overwhelmed" the immigration system. "It's unacceptable for an asylum case to take four or five years, but the simple solution to that is to build a surge force of immigration judges to get in there, move these cases along quickly and we can restore some integrity to the process," Sandweg told Hill.TV. According to Syracuse's immigration court backlog tracker, there are now more than 800,000 cases waiting to be resolved, and roughly 325 judges to process those cases.

### **[NY] New York City Deportations Soar Under Trump Immigration Crackdown**

[Bloomberg](#) [2/21/2019 2:24 PM, Henry Goldman] reports deportations of New York City's undocumented immigrants have soared, especially among individuals with no criminal record, since the beginning of President Donald Trump's administration, according to a report Thursday by city Comptroller Scott Stringer. In those two years, the U.S. Immigration and Customs Enforcement agency increased its annual deportations 150 percent to 2,593 from 1,037, Stringer said. The largest jump, among people with no criminal convictions, went to 1,144 from 313 -- a 265 percent increase. The jump in non-criminal deportations was the largest percentage of any U.S. city among 24 with the largest immigrant populations, according to the report. The actions threaten to disrupt life in a city where officials say many of the estimated 400,000 undocumented immigrants are in crucial jobs such as caretakers for children, the aged and the infirm. For decades, New York has considered itself "a sanctuary city," meaning that undocumented immigrants can use many services without risk of being identified to immigration authorities.

ICE spokeswoman Rachael Yong Yow declined to comment on Stringer's report. The agency focuses enforcement on individuals posing a threat to national security, public safety and border security. Its officers act lawfully, pursuing anyone residing in the U.S. illegally, "despite any criticism or political rhetoric," she said. "ICE no longer exempts classes or categories of removable aliens from potential enforcement," Yong Yow said in an email. "All of those in violation of immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States." Chinese immigrants make up the largest nationality of city immigrants undergoing immigration court proceedings, with more than 10,000 cases, or 21 percent, started since 2016, according to the report. Immigrants from India comprise about 10 percent, Guatemala and Ecuador each



accounting for about 7 percent.

Additional reporting:

[Wall Street Journal](#) [2/21/2019 4:46 PM, Joseph De Avila, NY]

[ABC7NY](#) [2/21/2019 12:53 PM, Staff, 211K, NY]

[New York Daily News](#) [2/21/2019 3:45 PM, Elizabeth Elizalde, 1101K, NY]

[Crains NY Business](#) [2/22/2019 12:00 AM, Staff, 35K, NY]

[AM New York](#) [2/21/2019 4:53 PM, Lisa L. Colangelo, 62K, NY]

[1059 Sunny FM](#) [2/21/2019 12:04 PM, Staff, 146K, NY]

[New York City Patch](#) [2/21/2019 2:30 PM, Noah Manskar, NY]

### **[NJ] Officials to hold hearing after inspectors find unsanitary conditions at migrant detention facility**

[The Hill](#) [2/21/2019 3:20 PM, Chris Mills Rodrigo] reports county officials in New Jersey are planning to hold a hearing on unsanitary conditions at a migrant detention facility uncovered by investigators. The County of Essex Board of Chosen Freeholders told The Hill on Thursday that they are scheduling a meeting on the results of a report from the Department of Homeland Security Inspector General. The report details conditions at the Essex County Correctional Facility, which received a contract from Immigration and Customs Enforcement (ICE) to house roughly 1,000 immigrants awaiting deportation. The inspector general for the DHS visited the facility in July and found "unsanitary and unsafe conditions," security concerns and food safety issues, according to the report. The food safety issues "could endanger the health of detainees." Investigators found "open packages of raw chicken leaking blood all over refrigeration units," "slimy, foul-smelling lunch meat" and "expired and moldy bread in the facility refrigerator." Kitchen staff told investigators that they placed "all unused bread from food service into large trash bags and trash cans to be used for making bread pudding once every 2–3 weeks" despite directives from the Department of Agriculture guidance to dispose of all moldy bread. ICE requires all detainees get outside time, but the detention center had no outdoor space. Instead, inspectors say the facility had erected "large glass enclosures inside detainee living areas with mesh cages at the top to allow in outside air." The report says that ICE promised to build a soccer field at the facility when it started housing detainees there in 2010, but never did.

Reported similarly: [BuzzFeed](#) [2/21/2019 3:03 PM, Brianna Sacks, 8149K]

### **[NJ] Essex Jail Lockdown Keeps ICE Detainees in Cells for Days**

[NJ Spotlight](#) [2/22/2019 5:09 AM, Staff, 13K, NJ] reports that detainees at the largest immigrant lock-up in the New York area, the Essex County Correctional Facility in Newark, were held in their cells for days earlier this month, as helmet-clad officers swept the facility for contraband. The lockdown lasted from February 4 to 8, and lawyers who represent immigrants at the facility said some stayed in their two-man cells for the entirety of those five days. A county spokesman rejected that, saying that ICE detainees were returned to "regular movement" after just two days.

### **[NC] Undocumented Immigrants Fearful As ICE and Alamance County Strengthen Partnership**

[WUNC](#) [2/21/2019 8:44 AM, Naomi Prioleau, 13K, NC] reports Maria Telles-Sosa lives in constant fear. In her Burlington, N.C. three-bedroom trailer, she's worried that she'll be the only family member left to take care of her six grandkids, who live with her. The husbands of



her two daughters were picked up at a checkpoint by U.S. Immigration and Customs Enforcement. "I would stay home with the children while [my daughters] had to go to work. It was really stressful and anxious because I was afraid that my daughters were going to be picked up too. And then what would I do if they were taken as well?" Her husband was also arrested along with her sons-in-law at the ICE checkpoint which was set up right outside their mobile home park. Since none of the three men had a driving license, they were immediately arrested and taken to the Alamance County Detention Center for a day. Afterward, they were transported to the Stewart Detention Center in Georgia. Sosa lives in Alamance County. A county that has recently become the center for ICE activity in North Carolina. Several sheriffs in counties including Wake, Mecklenburg, Durham and Forsyth have all terminated their 287(g) programs with ICE. The agreement meant that ICE would pick up an undocumented immigrant after sheriffs arrested them for a crime and alerted the agency. Since the terminations, ICE has increased raids and arrests across the state. More than 200 undocumented people were arrested in one week earlier this month. While other counties have ended their partnership with ICE, Alamance County continues to strengthen that alliance. At a recent Alamance County Board of Commissioners meeting, commissioners unanimously passed an updated contract with ICE to detain undocumented immigrants. In the contract, ICE pays the county \$135 per inmate per day. They also agree to fill at least 30 beds per day for the first month of the contract. [Editorial note: consult source link for audio]

Additional reporting: [WFAE 90.7](#) [2/21/2019 8:05 AM, Ryan McFadin, 11K, NC]

**[NC] ICE raids put undocumented students in 'fear,' activists say. They're asking Wake schools for help.**

[Raleigh News & Observer](#) [2/21/2019 4:36 PM, T. Keung Hui, 153K, NC] reports federal Immigration and Customs Enforcement agents detained more than 200 people this month across the state who are believed to be living in the country illegally. Several activists urged the Wake County school board on Tuesday to pass a resolution declaring schools as safe zones for undocumented students and to make it harder for ICE agents to get information from schools. "We want you to assure our immigrant families that schools are a safe place and a sanctuary for them," said Fernando Martinez, an organizer for the Education Justice Alliance, a group that advocates for minority students. "Not even their apartments or their houses are any longer safe for them. ICE is terrorizing our communities, literally terrorizing our communities." Leaders of some other North Carolina school districts, including Durham and Charlotte-Mecklenburg, have spoken out about the ICE raids. Under ICE policy, schools are considered to be "sensitive locations," where arrests or interviews are generally not made. ICE officials cited how sheriffs in some large North Carolina counties, including Wake, Durham and Mecklenburg, are no longer notifying them about the legal status of inmates in county jails. In a news conference this month, ICE Atlanta Field Office Director Sean Gallagher called ICE actions the "new normal," The News & Observer previously reported. "This is the direct conclusion of dangerous policies of not cooperating with ICE," Gallagher said at the news conference. "This forces my officers to go out onto the street to conduct more enforcement." In the aftermath of the raids, Durham Superintendent Pascal Mubenga issued a statement saying that the district will continue to honor its policy of "ensuring that every one of our students, regardless of their or their family's immigration status, receives a quality education in a welcoming environment."



**[SC] Federal lawsuits claim teen ICE detainees being held unlawfully in Charleston County jail**

[WCSC](#) [2/22/2019 4:51 AM, Kaitlin Stansell, SC] reports that two teens, who a federal lawsuit says crossed the Mexican border to enter the United States, are currently being held at the AI Cannon Detention Center in Charleston County. Their claims of unlawful detention center around their ages, and they ended up in Charleston because the AI Cannon Detention Center is the only facility in the state with a federal contract with ICE to hold detainees. "They haven't been accused of any crime, and this has nothing to do with criminal detention whatsoever," said Brad Banias, the attorney for these cases. "Instead, they are being held while they make claims of well-founded fears of persecution in their countries of nationality." Court documents say they fled their home country of Bangladesh after political persecution. Court documents claim the smuggler gave the teen a passport with a fake birth date that made him older than the 17 years of age he would confess to be after he was captured by US Customs and Border Protection. The lawsuit says the teen had a birth certificate and other documents to prove his true age, but his birth date was recorded incorrectly by officials and the Department of Health and Human Services was not contacted, something that is typically done with immigration cases involving children. [Editorial note: consult source link for video]

**[TN] Illegal immigrant accused of killing woman in Washington Co. crash among ICE's most wanted**

[WCYB-TV 5 Tri Cities](#) [2/21/2019 2:44 PM, Staff, 26K, TN] reports an illegal immigrant from Mexico accused of driving drunk in a fatal crash in Washington County, Tennessee, which killed a woman in 2017 is now among the most wanted of the U.S. Immigration and Customs Enforcement. Alan Jacob Mogollon-Anaya, 31, is accused of striking a vehicle head-on while driving drunk on March 16, 2017. The crash killed 37-year-old Shirra Branum and injured her 9-year-old son. Authorities also said Mogollon-Anaya's three children were hurt. Authorities said Mogollon-Anaya's blood-alcohol content was more than twice the legal limit. Mogollon-Anaya was able to escape from the hospital before law enforcement could charge him with vehicular manslaughter. Sheriff Ed Graybeal said Mogollon-Anaya is wanted for vehicular homicide by intoxication, aggravated child abuse and neglect and several other charges.

**[AL] Beloit police assists DHS, ICE with warrant**

[Beloit Daily News](#) [2/21/2019 9:22 AM, Staff, 3K, AL] reports Beloit police assisted the U.S. Department of Homeland Security and Immigration and Customs Enforcement in serving a search warrant that was executed Wednesday morning in the 1700 block of Tremont Drive, according to the department. The search warrant was "in regard to an international criminal investigation that is in the jurisdiction of ICE," according to Beloit Strategic Communications Director Sarah Millard. The department directed any questions regarding the law enforcement activity to ICE, and the Beloit Daily News has reached out to ICE media representatives and have yet to receive comment.

**[FL] Migrant Youth Go From A Children's Shelter To Adult Detention On Their 18th Birthday**

[NPR](#) [2/22/2019 5:00 AM, John Burnett] reports that last spring, a 17-year-old girl named Lisseth made the treacherous journey from El Salvador to the Texas border and asked for asylum. As an unaccompanied minor, she was sent to the United States' largest federal youth shelter, called Homestead, near Miami. Then, on the morning of Lisseth's 18th



birthday — Sept. 23 — two uniformed immigration agents showed up at the Boys Town shelter in Miami, where she had been transferred. Thus began her new status as an adult detainee in the custody of Immigration and Customs Enforcement. Lisseth spent the next two and a half months confined in the Broward Transitional Center in Pompano Beach, Fla. A pro bono attorney stepped forward to help, and Lisseth was able to find a sponsor with whom she now lives in Texas. "I'm concerned with two things," said Lisa Lehner, director of litigation at Americans for Immigrant Justice in Miami. "First of all, that our government is not following the law when it comes to dealing with children. And second of all, the traumatic effect this is happening on these kids." Child shelters like Homestead cannot, statutorily, house migrants once they turn 18. ICE maintains that it is following the law. The National Immigrant Justice Center has filed a nationwide class action lawsuit to block ICE from jailing migrants who age out. Government data, obtained in connection with the class action, showed that in two-thirds of 1,531 cases, from April 2016 to February 2018, ICE put migrant youths into detention when they turned 18. In the rest of the cases, ICE released them on their own recognizance or placed them in alternatives to detention.

**[MO] After ICE Detained Ilsa Guzman-Fajardo, Her Husband Waits in an Empty Home**  
[River Front Times](#) [2/21/2019 8:00 AM, Doyle Murphy, 51K, MO] reports Steve Miller touched down last week in Denver, checked his phone and learned his wife had been detained by Immigration and Customs Enforcement agents in St. Louis. He was on a work trip, installing televisions in hotels. His wife, Ilsa Guzman-Fajardo, went on February 12 to what she thought was a check-in at the ICE field office in downtown St. Louis. In reality, ICE had chosen the day to act on a nearly twenty-year-old order of deportation. Guzman-Fajardo, 48, was separated that morning from her attorney and the immigration advocates who'd accompanied her, and then taken into custody. When Miller exited the plane in Colorado, he saw the text from his wife saying that she had arrived at the ICE office. Then he saw a message from a church deacon, relaying the news that she had been detained. Miller's boss offered to fly him home, but he decided it was better to stay through Saturday and finish the job, rather than pace helplessly around the couple's empty Creve Coeur apartment. Now that he's back in Missouri, that's exactly what he's doing.

Originally from Honduras, Guzman-Fajardo crossed the southern United States border in 1999 into California and asked for asylum. She was to appear at an immigration court, but the notice she was issued didn't tell her when. In blanks for the date and time, the documents say "on a date to be set" and "at a time to be set." When Guzman-Fajardo subsequently missed court, a judge issued an order to deport her. Her attorney, Evita Tolu, argues in an emergency motion that the court date and time were critical and that the original case should be reopened and deportation order rescinded. Guzman-Fajardo moved to St. Louis in 2000 and has lived here ever since — something ICE has known all along, Tolu says in the court filing. In 2014, ICE agents went to her job at a nursing home and took her into custody. It is not clear what prompted the visit, and an ICE spokesman says he is not sure. But she was ultimately released for "humanitarian" reasons — specifically, that she had a United States-born son who was a minor at the time. After they were married, the couple sought permanent residency for Guzman-Fajardo. That application is still pending. She had separately petitioned the court to reopen the original case from 2000, but that request was denied in December. After that, ICE agents were obligated to carry out the deportation order, the agency spokesman says. Her son is now eighteen. The spokesman says there is no more reason to delay.



**[LA] Mexican citizen pleads guilty to illegally re-entering the U.S. for seventh time**

[Bossier Press-Tribune](#) [2/21/2019 12:54 PM, Sean Green, LA] reports Andres Garcia-Mora, 32, of Mexico, pleaded guilty Wednesday before Chief Judge Maurice Hicks Jr. to one count of re-entry of a removed alien, U.S. Attorney David C. Joseph announced. According to the guilty plea, Louisiana State Police arrested Garcia-Mora in Bossier Parish. Homeland Security Investigations discovered that Garcia-Mora was an illegal alien who had been removed from the United States six times between 2009 and 2016. During that time, Garcia-Mora used at least eight aliases in his attempts to enter the United States. The last removal took place on December 30, 2016 near Del Rio, Texas. Garcia-Mora has three federal convictions for immigration offenses.

**[IA] Mexican criminal living in Eagle Grove sent to prison for illegally reentering the United States**

[North Iowa News](#) [2/21/2019 2:09 PM, Staff, 1K, IA] reports a Mexican man convicted of numerous crimes who illegally returned to the United States to live in Eagle Grove after being deported four times was sentenced to 33 months in federal prison. Jorge Gonzalez-Juarez, age 33, a citizen of Mexico illegally present in the United States and residing in Eagle Grove, Iowa, received the prison term after a September 26, 2018 guilty plea to one count of illegal reentry into the United States after two prior felony convictions. Gonzalez-Juarez was sentenced to 21 months' imprisonment on the illegal reentry conviction and 12 months' imprisonment for violating the term of supervised release imposed on the conviction in the Western District of Texas. He must also serve a three-year term of supervised release after the prison term on the new conviction for illegal reentry.

**[TX] Third suspect in massive undocumented immigrant bust charged**

[Brownsville Herald](#) [2/21/2019 10:30 PM, Staff, 4K, TX] reports that federal authorities have accused a third person in the case of a tractor-trailer packed with 86 undocumented immigrants hidden behind pallets of moldy, rotten avocados discovered near Raymondville last May. Roger Edgardo Garcia-Brizuela, aka Mono, appeared before a Houston magistrate judge Thursday and was ordered transported to Brownsville for arraignment. Authorities arrested Garcia-Brizuela on Feb. 8 and charged him with harboring, concealing or shielding from detection undocumented immigrants by transportation, court records reflect. On May 22, 2018, a Texas Department of Public Safety trooper pulled over a tractor-trailer driven by Jose Alfredo Rodriguez, a Cuban national from Miami, on I-69 in Willacy County for failing to maintain a single lane. After the traffic stop, some of the undocumented immigrants busted through the trailer's roof and photos released by Border Patrol showed people standing on top of the trailers. Rodriguez, who was facing an eight-count indictment, is also in detention pending the resolution of his case.

**[CO] ICE facility in the middle of chickenpox outbreak has one doctor to treat 1,500 detainees, congressman says**

[VICE](#) [2/21/2019 12:54 PM, Emma Ockerman] reports an immigration detention facility in Aurora, Colorado, has just one in-house physician treating its 1,500-plus detainees amid a chickenpox outbreak and a confirmed case of mumps, according to a U.S. congressman. And when the legislator tried to visit the facility Wednesday, he was turned away. Rep. Jason Crow, a freshman Democrat, said the Denver Contract Detention Facility is in the midst of its fourth chickenpox outbreak since October and has experienced a new case of mumps. The illnesses often lead to quarantine, which bars some detainees from meeting with their lawyers or attending hearings. Both viruses are highly contagious but preventable



with vaccines. Concerned about the availability of healthcare at the facility, Crow tried to drop by Wednesday but was denied entry because he hadn't made an appointment in advance. "There's an urgency to this, a public health urgency," Crow said during a press conference outside the facility, where he announced he had delivered a letter to Homeland Security Secretary Kirstjen Nielsen asking why the facility had so few in-house doctors, considering the frequent disease outbreaks. He also inquired why the facility added 432 beds to the facility's annex in January without talking to local authorities first, according to the Denver Post. "With the recent influx of migrants coming from the southern border, U.S. Immigration and Customs Enforcement (ICE) has confirmed one new case of parotitis, mumps, at our Denver Contract Detention Facility," Jeffrey Lynch, field office director for ICE, said in a statement. "Medical personnel are credited with reducing the further infection of detainees by their quick reaction to quarantine everyone who may have been inadvertently exposed to stop the spread of the disease." For-profit prison giant GEO Group, which operates the ICE facility, did not immediately respond to a VICE News request for comment. In a separate statement, issued Feb. 1, an ICE spokesperson said the agency had confirmed two new cases of chickenpox at the facility.

[9 News](#) [2/21/2019 7:12 PM, Staff, CO] After two people were infected with the chickenpox and one other contracted mumps at the Immigration and Customs Enforcement facility in Aurora, a spokesperson for ICE says they are now giving MMR vaccinations to everyone out of "an abundance of caution." [Editorial note: consult source link for video]

#### **[NM] Governor objects to ICE arrests at courthouse**

[Albuquerque Journal](#) [2/22/2019 2:26 AM, Katy Barnitz, 55K, NM] reports that Gov. Michelle Lujan Grisham on Wednesday raised concerns over reports that Immigration and Customs Enforcement agents are making arrests in and around the Bernalillo County Metropolitan Courthouse. Immigrants rights advocates said Thursday that ICE activity had slowed for months after the court implemented a policy limiting the circumstances in which arrests can be made on courthouse property. But they say they are worried it may be ramping up again after agents last week detained three people in and around the courthouse. In the fall, the court implemented a policy that no local, state or federal law enforcement officers "may arrest, detain, interrogate, hold, restrict, or in any way, hinder the freedom of any individual in the courthouse except by lawful court order or judicial arrest warrant or when it is necessary to secure immediate public safety." Asked how the court has gone about enforcing the policy, Court Executive Officer Robert Padilla said, "We just basically made it available to all law enforcement agencies and made them aware of it." Although the court doesn't plan to ask the governor for help, Padilla said, officials are pleased to know she supports the policy.

Reported similarly: [KOBTV](#) [2/22/2019 12:17 AM, Staff, 29K, NM]

#### **[AZ] Migrant shelter 'saturated' by influx of Mexican asylum-seekers**

[Nogales International](#) [2/21/2019 7:00 PM, Genesis Lara, 2K, AZ] reports that one of the principal and longest-operating migrant shelters in Nogales, Sonora, the Albergue San Juan Bosco has tripled its number of guests over the past three months, housing an average of 360 men, women and children per night, according to Francisco Loureiro, who operates the facility along with his wife Gilda. However, according to Loureiro, the recent increase isn't a result of large groups of Central American asylum-seekers arriving in Nogales as they have in other Mexican border cities such as Tijuana, which borders San Diego, or Piedras



Negras, across the Rio Grande from Eagle Pass, Texas. Instead, he said, the majority of the people staying at his shelter are from the southern Mexican state of Guerrero, where rampant violence has displaced large numbers of people and forced schools and even morgues to close. The new arrivals from Guerrero, Loureiro said, have been encouraged by friends and relatives already in the United States to come to U.S. ports of entry and ask for asylum.

**[CA] ICE: Man Who Shot At Napa Deputy In Country Illegally, Deported Multiple Times**

[KPIX 5](#) [2/21/2019 1:55 PM, Staff, CA] reports that the man who was shot dead by a Napa County sheriff's deputy after he fired at her point blank during a traffic stop was a Mexican national in the country illegally after being deported multiple times, according to U.S. Immigration and Customs Enforcement. Javier Hernandez-Morales shot at and missed Deputy Riley Jarecki during a traffic stop late Sunday night as she stood next to his driver-side window. Jarecki returned fire multiple times, killing Hernandez-Morales. ICE told KPIX 5 that Hernandez-Morales had been deported three times prior to 2011. "ICE is grateful the deputy involved in this shooting was not harmed during this attack," the agency said in a statement. "It's unfortunate that our law enforcement partners and the community are subjected to dangerous consequences because of inflexible state laws that protect criminal aliens. This incident may have been prevented if ICE had been notified about any of the multiple times Hernandez-Morales was released from local custody over the last few years. This is an impactful, scary example of how public safety is affected by laws or policies limiting local law enforcement agencies' ability to cooperate with ICE."

[Napa Valley Register](#) [2/22/2019 12:37 AM, Courtney Teague, 23K, CA] reports that the Sheriff's Office, which released a graphic video from the deputy's body camera, said Hernandez Morales fired at least one shot at Deputy Riley Jarecki, who then fired 15 or 16 shots, killing him. ICE also wrote that it issued three detainers to Napa County jail regarding Hernandez Morales, who county officials said had been arrested five times between 2010 and 2016. ICE told ABC 7 that it issued detainers to Napa County jail regarding Hernandez Morales in 2014, 2015 and 2016. None of those detainers were honored, according to the report.

Reported similarly:

[Los Angeles Times](#) [2/21/2019 9:15 PM, Alene Tchekmedyian, 3575K, CA]

[San Francisco Chronicle](#) [2/21/2019 11:35 PM, Staff, 337K, CA]

[Breitbart](#) [2/21/2019 8:52 PM, John Binder, 2015K]

[ABC 7 San Francisco](#) [2/21/2019 4:34 PM, Amy Hollyfield, 4K, CA]

[CBS 5 San Francisco](#) [2/21/2019 1:55 PM, Staff, 80K, CA]

**[El Salvador] Trans woman killed in El Salvador after U.S. deportation, rights group says**

[NBC News](#) [2/21/2019 12:27 PM, Gwen Aviles, 4061K] reports a transgender woman died this month in her native El Salvador shortly after being deported from the U.S., according to the Salvadoran trans advocacy group Asociación Aspidh Arcoiris Trans. The woman, Camila Díaz Córdova joined one of the migrant caravans heading from Central America to the U.S. last year to escape violent threats, Mónica Linares, director of ASPIDH, told NBC News. Díaz Córdova, who Linares said petitioned for asylum while in the U.S., was deported back to El Salvador four to five months ago, though Linares was unaware of the



specific deportation circumstances. Díaz Córdova's friend Virginia reported her missing in late January. On Jan. 31, ASPIDH discovered she had been admitted to Rosales National Hospital in San Salvador following an attack, and she died on Feb. 3, as first reported by The Washington Blade. Immigration services did not immediately respond to a request for comment, and Immigration and Customs Enforcement told NBC News they were unable to locate Díaz Córdova's case.

Reported similarly: [The Hill](#) [2/21/2019 10:43 PM, Morgan Gstalter, 3038K]

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Monday, Feb. 25, 2019**

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## **Executive Office for Immigration Review**

### **Immigration courts remain 'choke-point' despite Trump policies**

[Arizona Daily Star](#) [2/24/2019 1:43 PM, Tim Steller, 82K, AZ] reports that as the number of asylum cases grows, so does the backlog of cases in immigration courts in Tucson and around the country. And while the pressure comes down on the judges and immigration courts to push cases through faster, other factors are keeping the backlog growing. Some judges, fed up, are leaving the field altogether, and Justice Department policies mean thousands more dormant cases are being pushed back into active consideration in the court. Judge John Richardson of the Phoenix immigration court retired in September after seeing the way things were going: Less discretion for judges in deciding cases and production quotas for completing them. "Between arrest and resolution — either deportation or some kind of relief — there is a choke point in the courts," he told me last week. "The bottom line is, we need more judges, we need more law clerks, we need more support for the judges." On Oct. 31, 2017, the Executive Office for Immigration Review put in place a plan to reduce the backlog of cases, but the number of pending cases is still rising. It went from 521,416 at the end of fiscal year 2016 to 792,738 on Sept. 30, 2018, the end of that fiscal year. By the end of December 2018, it was up to 821,726.

Now, the Trump administration and Congress seem to have recognized the broader problem with processing immigration cases, despite the narrow focus on border security. The funding bill passed this month that put \$1.375 billion toward new border barriers also included a \$126 million budget increase for the immigration courts, intended in part to add 75 new immigration judges and their associated staff and expenses. It was a good recognition of the need. But under current circumstances, it's hard for the courts to keep judges on board. Last year the immigration courts were able to keep on board 89 fewer judges than they were funded for. That number was up to 414 by the end of December, but attrition keeps undermining hiring. "What's got to happen is the whole attitude and apparatus has got to change," said Richardson, the retired judge. "It's got to be taken out of the Department of Justice and made into an independent court where it's not subject to the political pressure." This is unlikely to happen anytime soon. The executive branch likes to have control over the immigration courts so it can turn its policies into reality, as both the Obama and Trump administrations have done. But the heavy hand of the current administration, taking away the judges' discretion and refilling the courts with low-priority cases, is having the opposite of the desired effect. It's keeping the courts full and discouraging the people who could empty them: the judges.

## **Policy and Legislative News**

### **Former senior national security officials to issue declaration on national emergency**

[Washington Post](#) [2/24/2019 7:00 PM, Ellen Nakashima] reports that a bipartisan group of 58 former senior national security officials will issue a statement Monday saying that "there is no factual basis" for President Trump's proclamation of a national emergency to build a wall on the U.S.-Mexico border. The joint statement, whose signatories include former secretary of state Madeleine Albright and former defense secretary Chuck Hagel, will come a day before the House is expected to vote on a resolution to block Trump's Feb. 15



declaration. The former officials' statement, which will be entered into the Congressional Record, is intended to support lawsuits and other actions challenging the national emergency proclamation and to force the administration to set forth the legal and factual basis for it. The former security officials' 11-page declaration sets out their argument disputing the factual basis for the president's emergency. Among other things, they said, illegal border crossings are at nearly 40-year lows. Undetected unlawful entries at the U.S.-Mexico border decreased from 851,000 to nearly 62,000 between 2006 and 2016, they said, citing Department of Homeland Security statistics. They also argue that redirecting money pursuant to the national emergency declaration "will undermine U.S. national security and foreign policy interests." [Editorial note: consult source link for video]

### **When Trump declared national emergency, most detained immigrants were not criminals**

[Washington Post](#) [2/22/2019 7:01 PM, Maria Sacchetti, 9763K] reports that before President Trump declared a national emergency on the U.S. southern border on Feb. 15, he cited concerns that the United States was being flooded with murderers, kidnappers and other violent offenders from foreign countries. According to new U.S. Immigration and Customs Enforcement figures obtained by The Washington Post, the nation's immigration jails were not filled with such criminals. As of Feb. 9, days before the president's declaration, nearly 63 percent of the detainees in ICE jails had not been convicted of any crime. Of the 48,793 immigrants jailed on Feb. 9, the ICE data shows, 18,124 had criminal records. ICE acting director Ronald Vitiello and Deputy Director Matthew Albence declined to comment Friday and referred questions to the White House. During the budget debate earlier this month, Albence said all detainees have violated federal laws "by coming here illegally, or coming here legally and overstaying their visas." He told reporters last week that the nation "cannot have a system whereby immigration enforcement is only effectuated against those individuals once they commit a subsequent crime to their initial immigration violation." At a Cabinet meeting, as a budget deal over border security and immigration enforcement was falling into place, Trump said U.S. officials were nabbing "incredible" numbers of criminals. Taking a card handed to him by Department of Homeland Security Secretary Kirstjen Nielsen, he read from a list of crimes allegedly committed by immigrants: "Robberies: 11,177. Kidnappings: 4,112. Murders: 3,914." Advocates have cited studies showing immigrants are less likely to commit crimes than the rest of the population. During the budget debate, ICE said that 72 percent of the detainees are subject to "mandatory detention," including some who have criminal records and those who crossed the border illegally and are subject to a speedy deportation process.

### **Pelosi undercuts legal case against Trump wall declaration**

[Washington Times](#) [2/22/2019 8:39 AM, Stephen Dinan, 527K, DC] reports House Speaker Nancy Pelosi said Friday that the House will vote Tuesday to overturn President Trump's border emergency declaration, and vowed there are enough votes to clear her chamber. Democrats officially announced the legislation in a conference call, saying they already have nearly 230 co-sponsors, which signals more than enough support to gain a majority and clear the House. Whether it could clear the Senate, and survive a presidential veto, remains unclear. Mrs. Pelosi said they are working to get Republicans on board, saying they're appealing to GOP members' "patriotism." "It's out of a respect for their respect for the Constitution that we invite them to join," she said.

Reported similarly: [Houston Chronicle](#) [2/22/2019 5:01 PM, Kevin Diaz, 3530K, TX]



### **How New Congress Could Break The Immigration Stalemate**

[Law360](#) [2/22/2019 8:15 PM, Nicole Narea] reports that the new House Democratic majority's ongoing push to escalate oversight and President Donald Trump's controversial declaration of a national emergency at the border may bode ill for Congress making progress on immigration policy, but experts still see room for bipartisan cooperation in areas like temporary visa reform and protections for "dreamers." Republicans believe they were sold short of necessary border security funding in Congress' funding deal. Nicole Hager, press secretary for House Homeland Security Committee Republicans, told Law360 that Ranking Member Mike Rogers, R-Ala., is prioritizing securing the southwest border through an "all-of-the-above" approach that involves increasing manpower, upgrading technology and investing in physical barriers. Meanwhile, Democrats have set out to limit what they see as immigration enforcement overreach. A staffer from the House Committee on Homeland Security told Law360 that Democrats in the group would prioritize engaging in fair oversight of border security, the separations of immigrant families and Trump's emergency declaration among other administration policies. Such oversight was lacking in the previous Congress under former committee chairman Rep. Michael McCaul, R-Texas, they said. They have already scheduled multiple hearings to address some of those issues, the staffer noted. Under pressure from Democrats, Homeland Security Secretary Kirstjen Nielsen agreed to testify on border security at a hearing scheduled for March 6.

### **Trump Administration to DC Circuit: You Can't Review DACA Rescission**

[National Law Journal](#) [2/22/2019 5:45 PM, Ellis Kim, 105K] reports that a three-judge panel for the U.S. Court of Appeals for the D.C. Circuit pressed both sides about the September 2017 move to undo the Obama-era policy, which deferred deportation for hundreds of thousands of immigrants who arrived to the United States as children. The Trump administration first moved to end the program after then-Attorney General Jeff Sessions in a letter told then-acting Secretary of Homeland Security Elaine Duke that DACA was likely unlawful. Duke, in her own memo, moved to end the program promptly after. Homeland Security Secretary Kirstjen Nielsen, at Bates' direction, later issued a memo. It largely maintained Duke's position but suggested other "sound" policy-related reasons for terminating the program. Mark Stern, a lawyer for the Justice Department, argued Friday the DACA rescission isn't reviewable by the courts. The decision to undo the program, he said, was an independent exercise of agency discretion made by Department of Homeland Security, and Duke and Nielsen. Judges Thomas Griffith and Patricia Millett both pressed Stern on whether the agency had genuinely independent reasons to rescind DACA, or if the agency acted on Sessions' view that the policy was unlawful.

Reported similarly: [WFMZ-TV](#) [2/22/2019 7:59 PM, Staff, 51K, PA]

### **States Coalition Backs Challenge To 'Turnback' Asylum Policy**

[Law360](#) [2/22/2019 6:31 PM, Suzanne Monyak] reports that a coalition of states, led by the California attorney general's office, has thrown its support behind a challenge lodged by legal services nonprofit AI Otro Lado and a proposed class of asylum seekers against U.S. Customs and Border Protection's alleged policy to illegally turn back migrants seeking asylum at the southwestern border. In their amicus brief Thursday, the states asked the California federal court not to dismiss AI Otro Lado's claims that CBP's alleged "turnback policy," which the suit alleges has been in effect since around 2016, violates the U.S. Constitution's due process clause as well as federal immigration statutes and international refugee protections. The coalition, including 19 states plus Washington, D.C., said the



policy, which has resulted in asylum seekers being turned away at designated ports of entry and waiting in makeshift camps in dangerous areas along the U.S.-Mexico border to present their claims, has inflicted "significant trauma" on migrants. The suit accuses CBP and the U.S. Department of Homeland Security of adopting a policy "to restrict access to the asylum process" at designated ports of entry along the border, including by falsely telling migrants that they do not have the "capacity" to process them and by "metering," which places asylum seekers on a waiting list to present their claims.

### **Asylum Seekers' Journey To The US Is Long & Dangerous — Here's What You Need To Know**

[Bustle](#) [2/23/2019 2:09 AM, Monica Hunter-Hart, 2683K] reports that following the death of a 45-year-old Mexican man on Monday, three migrants have now died in the custody of U.S. Customs and Border Protection in three months. After two migrant children died in CBP custody in December, some Americans argued that their parents were responsible because they decided to make the difficult journey to the United States with their kids. Immigration analysts and advocates for immigrant children say those assertions downplay the fact that parents are typically trying to protect their families by migrating in the first place. Migrants who attempt to cross the U.S.-Mexico border are often coming from countries such as Honduras, El Salvador, and Guatemala that are plagued by poverty, gang violence, and extortion. Whether migrants cross the border at or between ports of entry, they are detained at processing centers once they come into contact with CBP. Increased scrutiny was brought to detention facilities' conditions late last year when Felipe Gómez Alonzo and Jakelin Caal Maquin died in CBP custody, and the death of an unidentified man on Monday renewed that attention. In statements about the deaths, the Department of Homeland Security and CBP said the children received appropriate medical care and referred to "the dangers posed by traveling long distances."

### **Food insecurity is a legitimate basis for seeking asylum**

[The Hill](#) [2/24/2019 3:00 PM, Megan A. Carney, 3038K] reports in debates about whether to give asylum to the thousands of migrants at the southern border of the U.S., one crucial issue has been blatantly overlooked: food insecurity. Imagine you and your children have been chronically hungry for days, weeks or possibly months. You have no resources to purchase food. Your government does not distribute food aid. For a variety of reasons, you're no longer able to meet your family's nutritional needs. What would you do to stop your family from starving? Food insecurity is a form of violence which stems from an uneven distribution of resources both across and within societies. When asylum-seekers talk about violence in their home countries, they've often experienced food-specific violence, such as gangs giving or withholding food as collateral or punishment, or paramilitary groups setting fire to crops. While we often hear of poverty and violence as underpinning people's decisions to migrate, it is seldom recognized how these terms - when invoked by migrants themselves - actually index a set of more immediate material needs. As I have documented in my research on transnational migration of Mexican and Central American women into the U.S., food insecurity in their home countries helps to explain their experiences of displacement and the necessity to migrate.

### **Trump Administration Separated 245 Children Since Ending 'Zero Tolerance' Policy, Court Filing Shows**

[Newsweek](#) [2/22/2019 12:18 PM, Chantal Da Silva, 2656K, NY] reports the Trump administration has separated at least 245 children from their parents since ending its "zero



tolerance" immigration policy last June, according to a new court filing. The court document, which is a status report in an ongoing legal battle launched by the American Civil Liberties Union over a policy that resulted in family separations, stated that between late June 2018 and the end of January of this year, the Trump administration identified 245 cases of "separations of children and parents," as well as four other cases that were still under review. Of the new separations, the Trump administration said that 225 children had been separated from their families because of "parent criminality, prosecution, gang affiliation or other law enforcement purpose[s]." Another 17 of those cases saw children separated because of "parent health issues/hospitalization," while three were because the Department of Homeland Security was "Unable to verify familial relationship."

Reported similarly: [ABC News](#) [2/22/2019 5:49 PM, Staff, 2413K]

### **ICE will spend over \$100 million getting kids and families to detention centers**

[Quartz](#) [2/23/2019 7:30 AM, Justin Rohrlich] reports that US Immigration and Customs Enforcement will pay a private contractor more than \$100 million this year to bring detained families and unaccompanied children to shelters and detention centers across the country. The exact figure is expected to come to \$101,814,705.60 for the 2019 fiscal year – about 20% higher than what ICE spent to fly and drive "UAC" and "FAMU" in 2018, according to new federal contracting data reviewed by Quartz. An ICE document justifying its request for more money cites "increased demand to provide UAC and FAMU transportation services" due to a "larger than expected influx" of unaccompanied minors and families from Central America right after the 2016 presidential election, and Donald Trump's "zero-tolerance" policy-implemented as an executive order in February 2017. Further, the ICE document says the Office of Refugee Resettlement is currently operating at 85%-95% capacity, "which requires ORR to make placements across the full spectrum of locations requiring escorting one or two children at a time instead of transports for larger groups of UACs together." An ICE spokesman said the agency's estimates are "generally based on existing or emerging patterns and trends, and an analysis of enforcement data available," and pointed Quartz to US Border Patrol statistics that showed an increase in arrests during 2018.

### **Trump Administration Orders 1,000 More Troops To U.S.-Mexico Border: 'Mission Has Evolved'**

[Newsweek](#) [2/23/2019 5:02 AM, Chantal Da Silva, 2656K, NY] reports that the Pentagon is expected to increase the number of troops stationed at the U.S.-Mexico border to around 6,000 by the start of next month, according to The Washington Post. Speaking on the condition of anonymity, a senior U.S. defense official told the newspaper that the Trump administration planned to deploy around 1,000 additional personnel to the southern border with orders to lay down concertina wire and install detection systems along the border. The official said that military forces have already installed around 70 miles of concertina wire along the border and focused their efforts on reinforcing designated ports of entry, assisting Customs and Border Protection agents with transportation and providing medical support to migrants and asylum seekers. The senior defense official said the mission at the southern border "has evolved." The 6,000 expected to be stationed there come next month include roughly 2,100 National Guard personnel, according to the Post.

### **Migrants attack unarmed officials as they cross from Guatemala into Mexico**

[Washington Examiner](#) [2/22/2019 5:27 PM, Anna Giaritelli, DC] reports members of a Central American migrant caravan violently attacked unarmed Mexican federal immigration



officers with rocks and other blunt objects Tuesday after government officials tried to block the group from illegally crossing into Mexico from Guatemala. Newly released video taken from inside one of the Mexican government vehicles shows a group of about 1,000 people walking down a road in Tapachula after refusing to turn around. Similar videos and pictures circulated by Mexican media confirm the incident took place Tuesday. Federal immigration officers from Instituto Nacional de Migracion, Mexico's national immigration agency, had lined up a handful of white vans and pickup trucks in a row to keep the caravan from passing by. But as the caravan became increasingly rowdy, the Mexican officials ran back into their vehicles. One female officer yelled, "Vamos," Spanish for "Let's go." The vehicles began backing up, away from the group, but were unable to get away before members of the caravan caught up. Caravan members then began throwing large rocks at the government workers, most of whom were inside the vehicles. The rocks broke windshields and windows, and the unarmed officers could be heard screaming as they ducked down into their seats to avoid being hit. The vehicles tried to outrun the group, honking for those at the front of the line to move faster. The group was able to force immigration officers and federal police out of its way. The caravan is expected to travel to Ciudad Juarez, which is located just over the U.S.-Mexico border from El Paso, Texas. [Editorial note: consult source link for video]

### **As US begins sending migrant families back to Mexico, Tijuana struggles to accommodate them**

[USA Today](#) [2/23/2019 4:10 PM, Rafael Carranza] reports after four months at Mexico's southern border, Maria Velasquez Castro, her husband and 5-year-old daughter finally made their move. Asylum-seeking families such as Velazquez Castro's continue arriving in Tijuana steadily and on a daily basis. But their hopes for a speedy entry into the U.S. are dashed quickly. When they arrive, there already are about 2,600 people in line, meaning they are looking at a two-month wait in Tijuana before even talking to U.S. immigration officials. Last week, the U.S. Department of Homeland Security began sending back certain Central American families to Tijuana to await in Mexico the outcome of their asylum claims. It's part of what DHS calls the Migrant Protection Protocols, but is informally known as "Remain in Mexico." The policy has come under renewed criticism and scrutiny, and is even now the subject of a lawsuit that argues it is contrary to U.S. and international law. For migrant rights groups and shelters in Tijuana, there's growing concern that the number of newly arrived families, combined with the families that the United States is sending back, will reach a critical point.

There are still many questions about the Mexican government's involvement and response, or lack thereof, to the U.S. shift in policy. Mexico's National Migration Institute contends that the U.S. acted unilaterally when it implemented the Migrant Protection Protocols and that it's simply responding in accordance to humanitarian principles within Mexico's own migration policy. To date, they haven't received any response from the Mexican government. Beyond the response in Mexico, many questions about how the Migrant Protection Protocols will be implemented in the United States remain unanswered. The policy went into effect as a pilot program in San Ysidro in late January, but the first Central American migrants sent back to Tijuana won't have their hearing in U.S. immigration court for another few weeks, starting in March. According to the Department of Homeland Security's "Guiding Principles" for the program, once asylum seekers show up to San Ysidro for their hearing, they will be allowed into the border crossing and transported by Immigration and Customs Enforcement to and from the courthouse.



### **After Tijuana debacle, the Mexican government changed tactics for the latest migrant caravan**

[Texas Tribune](#) [2/22/2019 11:37 AM, Julián Aguilar, TX] reports that Iris Portillo and Raul Reaños had both traveled to the United States with the most recent migrant caravan — this one departed from Honduras last month and reached Piedras Negras on Feb. 4 — and both said they had planned to apply for asylum in the United States. But they said they were prevented from doing so by Mexican government officials who instead allowed them to apply for visas to travel and work in Mexico. By Tuesday evening, the shelter was closed and most of the estimated 1,600 Central American migrants in the caravan had been transported to cities throughout Mexico. As the migrants approached the border, U.S. Customs and Border Protection and Border Patrol officers practiced crowd control exercises and parked their vehicles along the riverbank in tight formation. Austin-based Mexican Consul Carlos González Gutiérrez said what happened in Piedras Negras was a result of a policy shift handed down from the Lopez Obrador administration that focuses on protecting migrants who travel through Mexico. "We have stopped this effort to use Mexican immigration policy as a deterrent or as a blockade in order to stop people who just want to use our territory as a transit route to get to the United States and seek asylum," he said. "Now human rights is at the core of our immigration policy." The arrival and subsequent disbanding of the caravan in Piedras Negras comes as the Trump administration is testing a program called the Migrant Protection Protocols, which forces immigrants seeking asylum in the U.S. to wait in Mexico until they get a hearing before a U.S. immigration judge.

### **Honduran Teen Fled Gangs at Home Only to Be Murdered While Stranded at the U.S.-Mexico Border**

[The Intercept](#) [2/23/2019 9:00 AM, Julia Gavarrete and Heather Gies, 500K] reports some 2,700 miles from home, Jorge Alexander Ruiz was optimistic about his asylum case and relieved to have left both the gang threats in Honduras and the dangers of the migrant trail behind him. A week after the Intercept spoke outside the shelter, Jorge's body was found with 37 stab wounds and strangle marks around his neck, dumped alongside a second victim, a 17-year-old from Honduras. The boys were on their way from the youth shelter where they stayed to visit a camp of migrants in central Tijuana on December 15, when assailants lured them to a room, demanded money, and brutalized them. Police arrested three suspects, and the surviving victim will remain under protection in Mexico until the case is resolved. Immigration advocates have warned that the Trump administration's new "migrant protection protocols" for asylum-seekers, known as "remain in Mexico," will thrust more Central Americans into vulnerable situations. Under the policy, asylum-seekers who pass a credible fear test to be able to make their case for asylum must wait in Mexico for their day in U.S. immigration court. Unaccompanied minors are exempt from the program, but recent events at the border have not inspired confidence that officials will abide by the law.

### **[NY] Tompkins to consider resolution urging state to grant driver's licenses regardless of immigration status**

[Ithaca Voice](#) [2/22/2019 3:30 PM, Devon Magliozzi, 6K, NY] reports that the Public Safety Committee of the Tompkins County Legislature voted unanimously Thursday to advance a resolution supporting access to driver's licenses for all New Yorkers, regardless of immigration status. The county resolution was introduced to the Public Safety Committee by Legislator Anna Kelles, who said the measure is not an attempt to fix the immigration system overall but would improve public safety and help immigrants across the state



integrate within their communities. The resolution states that expanding access to driver's licenses will help ensure drivers are properly educated and insured; enable all New Yorkers to safely get to school, work, errands, appointments and so on; and build trust between law enforcement and immigrant communities. Tompkins County Sheriff Derek Osborne told the committee he supports the resolution wholeheartedly and believes it will contribute to public safety. The Driver's License Access and Privacy Act includes provisions to prevent information shared with the DMV for the purpose of getting a driver's license from reaching other government agencies, including ICE. The county resolution includes the statement, "Tompkins County Legislature recognizes immigration law to be a federal concern, and local enforcement is a drain on limited local resources."

#### **[NJ] NJ backs suit against Trump administration policy that denies access to asylum at border**

[North Jersey Record](#) [2/22/2019 4:49 PM, Monsy Alvarado, 102K, NJ] reports New Jersey joined a coalition of states this week in supporting a lawsuit alleging that U.S Customs and Border Protection has unlawfully prevented migrants from applying for asylum at ports of entry at the southern border. In the brief filed Thursday in U.S. District Court in Southern California, 18 states and the District of Columbia expressed their opposition to the Trump administration's "turnback policy" and explained that denying access to the asylum process unlawfully forces would-be applicants to languish at the border under inhumane conditions. New Jersey's attorney general, Gurbir Grewal, said Friday that the policy is wrong and illegal.

#### **[NC] Sheriff reforming the way we look at jail**

[South Charlotte Weekly](#) [2/22/2019 8:20 AM, Justin Vick, NC] reports Sheriff Garry McFadden hopes to change the way we view public safety, and he's not going to let the U.S. Department of Homeland Security Immigration and Customs Enforcement distract him from his vision. "The most important thing we can do from the public safety perspective is to solve and prevent the most serious crimes in our communities, but instead, we have been forced to focus too much attention, energy and resources on matters that distract law enforcement from the fundamental duties and mission," McFadden told county commissioners Feb. 19. McFadden ended the county's participation in ICE's 287(g) program on his first day of office two months ago. ICE has increased enforcement in Charlotte. "I, like a lot of other sheriffs around this great state, do not believe the role of the sheriff's office is to actively partner with ICE to carry out civil immigration enforcement," McFadden said. He noted that raids and threats of deportation create fear and distrust toward law enforcement, preventing crimes from getting reported and witnesses from coming forward. He refers to the jail as a detention center and inmates as residents. He's ended solitary confinement among youth and reduced it among adults.

#### **[NC] Anti-ICE rally in Durham demands end to undocumented immigrants, asks for Gov. Cooper's help**

[WTVD Raleigh Durham](#) [2/24/2019 7:17 AM, Tim Pulliam, 4K, NC] reports that supporters of immigration rights called out Republicans and Democrats during an anti-ICE rally Saturday afternoon. The group El Centroids Hispano and other advocates demanded they step up and do more. Immigration rights advocates say they're outraged by ICE's arrests of more than 200 undocumented immigrants in North Carolina-separating them from families. Rev. Dr. William Barber and others likened the recent roundups to the US Supreme Court's Dred Scott decision in 1857, which declared black slaves were not and could never be



American citizens. Immigration and Customs Enforcement says it's following federal law-executing more widespread arrests targeting criminal offenders. In a statement ICE says these arrests "will inevitably result in additional collateral arrests. People at the rally said that's unacceptable and put politicians on blast. The group is also calling out religious leaders to be more vocal, and to financially support immigration rights groups. [Editorial note: consult source link for video]

**[NC] Advocates of undocumented students asking WCPSS for more protections**

[WTVD ABC](#) [2/22/2019 6:19 PM, Gloria Rodriguez, 4K, NC] reports advocates of undocumented students are asking the Wake County Public School system to adopt a safe-school-zone resolution and policy. This comes after U.S. Immigration and Customs Enforcement announced recently that they arrested 200 undocumented immigrants in raids across North Carolina earlier this month. "It is becoming increasingly clear that now is the time for all levels of leadership and policy to take action to support all of North Carolina's young people regardless of immigration status," said Danica Lee, of North Carolina Asian Americans Together, at the district's board meeting Tuesday.

**[FL] Tiger Bay talk tackles border security, sanctuary cities**

[Southwest Florida Herald Tribune](#) [2/22/2019 6:45 PM, Earle Kimel, 43K, FL] reports that Kevin Sibley talked about the number of illegal crossings stopped on a given night along the California-Mexico border at Imperial Beach, Chula Vista, and Otay. In Otay Mesa, a San Diego suburb where Sibley once served in 1994, there were 1,000 arrests made in one night. "Just let that math tell you what we need," Sibley, Deputy Special Agent in Charge at U.S. Department of Homeland Security in Tampa/St. Petersburg, told the South County Tiger Bay Club Friday afternoon. Sibley was part of a three-person panel that included Sarasota County Sheriff Tom Knight and state senator Joe Gruters, who addressed the topic: "Bad Guys, Illegal Aliens and Sanctuary Cities," before a highly supportive audience of about 50 people. Gruters, the chairman of the Republican Party of Florida, discussed the merits of his bill, which recently cleared the Senate Judiciary Committee. The bill defines a sanctuary city and requires state and local law enforcement to work with U.S. Immigration and Customs Enforcement, give the agency a seven-day notice prior to the release of a potentially deportable alien from custody and the ability to hold that person for 48 hours until federal authorities can get them. Knight noted that he has detained for deportation 513 people from 35 countries.

**[IA] Johnson County law enforcement on 'Keep Iowa Nice' flyers: "No place for that behavior"**

[KCRG](#) [2/22/2019 11:30 PM, Aaron Scheinblum, 74K, IA] reports the Johnson County Sheriff's Office says they are disappointed after flyers appeared across Iowa City, encouraging people to "Keep Iowa Nice," and actively report illegal immigrants. The disappointment comes nearly one week after a series of flyers that said: "Keep Iowa Nice, Call ICE," referring to the U.S. Immigration and Customs Enforcement agency, appeared on message boards and kiosks in the downtown area of Iowa City. "There's no place for that behavior," said Det. Sgt. Brad Kunkel. Despite the flyers technically not qualifying as a crime, Det. Sgt. Kunkel said he was still concerned with the potential repercussions. "When we see these kinds of things, it's concerning that people might be frightened to contact law enforcement if they think it's going to lead to ICE being contacted," Det. Sgt. Kunkel said. "That's just not going to be the case."



**[TX] Third suspect named in connection with May 2018 undocumented immigrant smuggling attempt**

[CBS 4](#) [2/22/2019 6:06 PM, 6K, TX] reports that a third suspect has been linked to the illegal smuggling of 86 undocumented immigrants who were found inside a tractor-trailer in Willacy County last year. According to U.S. District Court records, federal authorities have implicated Roger Edgardo Garcia-Brizuela as a coordinator of the undocumented immigrant smuggling attempt. Court documents state Garcia-Brizuela was identified by Jorge Alfredo Rodriguez, the driver of the trailer carrying the 86 undocumented immigrants. Garcia-Brizuela is accused of knowing or in reckless disregard of the fact that undocumented immigrants had come to, entered, or remained in the United States in violation of the law, concealed, harbored, or shielded from detection or attempted to conceal, harbor, or shield from detection, such undocumented immigrants, and conspired to commit the same, and aided and abetted such harboring. The complaint states, Rodriguez met Garcia through Danay Rego-Plasencia in Houston. Rodriguez stated Garcia paid him \$45,000 for an undocumented immigrant smuggling event carried out on May 1, 2018. Rodriguez also stated Garcia agreed to pay him \$2,500 per person for the smuggling attempt he and Rego-Plasencia made on the day of the event, according to court records.

**[TX] Indy group heads to the border to help migrant women**

[WTHR](#) [2/25/2019 3:34 AM, Mary Milz, 116K, IN] reports that Julie Sommers Neuman is one of 16 people from Central Indiana headed to Dilley, Texas for a week. Dilley is home to the country's largest detention center for women and children. Neuman, along with seven other attorneys and even interpreters, is going to help migrant women apply for asylum. Neuman, a mother two and executive director of the Coalition for Our Immigrant Neighbors, helped organize the trip through the CARA Pro Bono Project, which has been offering legal aid to those at the Dilley facility. Neuman said they were told they will likely work 12-15 hour days, seeing at least ten women a day, and each attorney helping up to ten women a day prepare for their interview with an immigration judge. "We will be the first and only lawyers they've seen," she said. "Probably by the end of the week each of us will have met 100 women. Each will tell stories of why they left their country to cross the border to find a better life here and some 90% of them have been sexually assaulted at some point."

**[NM] N.M. governor defends pulling Guard troops from border, says there's no 'real emergency'**

[Washington Times](#) [2/24/2019 11:38 AM, Valerie Richardson] reports that New Mexico Gov. Michelle Lujan Grisham defended Sunday her decision to defy the Trump administration by pulling National Guard troops along her state's border with Mexico, insisting there was no "real emergency." The Democratic governor issued a Feb. 5 order withdrawing most of the 118 National Guard troops stationed along New Mexico's border, although she kept some in place to provide humanitarian assistance. "I did place some National Guard, law enforcement and most importantly, health responders to an area where they're forcing them to come across a really desolate area in the southern part of the state," she said. New Mexico is one of 16 states that filed suit last week to stop President Trump's Feb. 15 national-emergency declaration on border security, arguing that federal funding appropriated to the states could be at risk.

**[NM] Governor wants ICE to stop detaining people at Metro Court**

[KOB4](#) [2/22/2019 9:23 PM, Brittany Costello, 29K, NM] reports that the Governor's office is sending a message to the Bernalillo County Metro Court. According to a letter sent to Chief



Judge Sandra Engel, Federal ICE agents are arresting and detaining people inside the courthouse and Gov. Michelle Lujan Grisham wants it to stop. "If you have the court collaborating with ICE and there's people detained in the court by ICE then people are not going to want to testify or have any interaction with our city or state institutions," said Felipe Rodriguez, campaign manager for #EducationNotDeportation for the New Mexico Dream Team. While the courts may not collaborating, there's concern Immigration and Customs Enforcement is stopping at the courts, according to a letter sent by Gov. Lujan Grisham.

**[AZ] Federal officials drop off migrant families at Greyhound station in Phoenix**

[Arizona Republic](#) [2/23/2019 4:05 PM, Perry Vandell, 695K, AZ] reports that U.S. Immigration and Customs Enforcement agents dropped off a group of migrant families Saturday afternoon in front of a Greyhound bus station in Phoenix. Members of a local church set up tables with soup, muffins and an assortment of fruit beforehand by the station at 2115 E. Buckeye Road to feed the families while mapping out warm places they can stay. The bus, which arrived around 1 p.m., was the second one from ICE that day according to a church member. ICE had dropped off a busload of migrants before 10 a.m. as well. The Greyhound station stop deviated from the local churches to which ICE has typically brought its recently released detainees since October. Yasmeen Pitts O'Keefe, a spokeswoman for ICE, confirmed the agency dropped off migrant families at the Greyhound station, saying the organizations it normally works with couldn't accommodate them. O'Keefe didn't say how many people ICE has released in Phoenix so far.

**[CA] California's new 'sanctuary' battle could be keeping immigrant data away from ICE**

[Los Angeles Times](#) [2/24/2019 12:05 AM, Jazmine Ulloa, 3575K, CA] reports that after California's landmark "sanctuary state" law limited police from collaborating with federal immigration agents, one legislator wants to prevent local government from doing business with companies that he says play a role in the Trump administration's "deportation machine." Legislation introduced Friday by Assemblyman Rob Bonta (D-Alameda) would prohibit cities and counties across the state from entering into new contracts with any company that sells, mines or analyzes personal information for U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection. Bonta said he plans to expand the bill to include all federal immigration agencies and move to bar the state from signing contracts with companies that do business with them. Assembly Bill 1332, the Sanctuary State Contracting and Investment Act, would prevent cities and counties from signing new contracts, extending old ones or investing in the stocks, bonds or securities of companies that work with federal immigration agencies. Opponents say AB 1332 would be burdensome on cities and counties and harmful to investigations, including in smuggling and human trafficking cases.

## **Legal News**

**U.S. judge weighs expanding lawsuit over family separations to cover more children**

[Reuters](#) [2/22/2019 9:00 AM, Kristina Cooke] reports a U.S. judge on Thursday appeared open to ordering the government to find potentially thousands of additional children separated from their parents at the U.S.-Mexico border by the Trump administration, which could greatly expand the scope of a lawsuit challenging the separations. The Office of Inspector General at the U.S. Department of Health and Human Services (HHS) said in a



report published earlier this year that the agency had identified many more children in addition to the 2,737 included as part of the class action lawsuit challenging family separations brought by the American Civil Liberties Union (ACLU) last year. In response to the lawsuit, U.S. District Judge Dana Sabraw ordered the families identified through a court process to be reunited with their children. The ACLU has petitioned the judge to expand the class to force the government to do a full accounting of any additional separated children. In light of the Inspector General's findings, as well as investigative reporting, Sabraw said, the current June 26, 2018, cut-off date for cases to be part of the lawsuit becomes "very arbitrary." The government has argued in court papers that it is too labor intensive to find children who were separated and subsequently released to sponsors before the court order last year. In a filing on Wednesday, the government said it had separated 245 children at the border between June 26, 2018, and Feb. 5, 2019.

### **Judge Says Families Separated in 2017 Suffered Same Injustice as More Recent Cases**

[KQED](#) [2/23/2019 3:15 AM, Julie Small, 160K, CA] reports that the U.S. Department of Homeland Security may soon have to identify, and possibly reunite, potentially thousands more families separated at the border under the Trump administration's zero tolerance policy. At a hearing in San Diego on Thursday, U.S. District Judge Dana Sabraw told government attorneys that a newly reported group of possibly thousands of migrant children taken from their parents in 2017 suffered the same alleged wrong as thousands of other children covered by a class-action lawsuit in his court (*Ms. L v. ICE*). U.S. officials identified all the separated children in the custody of the Office of Refugee Resettlement as of June 26, 2018. In July 2018, ORR reported that there were 2,654 affected children. Officials have since revised the number to 2,816, according to a status report filed with the court this week. A Jan. 11 report by the Inspector General for HHS found that thousands of additional children may have been taken from their parents at the border beginning in 2017, "before the accounting required by the court." Sabraw said that given the recent revelations by the Inspector General for HHS, using June 26, 2018, as a cutoff date for families to be eligible seems "very arbitrary." In December 2017 a coalition of nonprofits who work with immigrants seeking asylum asked the Office for Civil Rights and Civil Liberties and the acting inspector general for DHS to investigate whether a policy existed.

### **DC Circ. Skeptical DACA Was Rescinded For Policy Reasons**

[Law360](#) [2/22/2019 4:15 PM, Matt Bernardini] reports that the federal government faced tough questioning Friday from a D.C. Circuit panel that seemed to disagree with the government's argument that its decision to rescind the Deferred Action for Childhood Arrivals program was not reviewable because it was based on a policy difference. U.S. Department of Justice attorney Mark Stern told Judge Thomas Griffith that the change was not based on law but on policy disagreements, and that a memo written in June by U.S. Department of Homeland Security Secretary Kirstjen Nielsen explicitly laid out those reasons. "The Nielsen memo argues that the program should have to go through Congress," Stern said. The challenge to the administration's September 2017 decision to roll back the Obama-era program that protects young unauthorized immigrants brought to the U.S. as children was brought by the NAACP, several unions, Microsoft Corp. and Princeton University. In two consolidated cases before the D.C. Circuit, the plaintiffs are seeking permanent injunctive relief for DACA recipients, which would apply to application renewals as well as new applications. Federal district courts in New York and California have also issued nationwide preliminary injunctions forcing DHS to continue the program.



**[TN] ICE Agents Accused of Excessive Force, Using Racial Slurs During Tennessee Slaughterhouse Raid: Lawsuit**

[Newsweek](#) [2/24/2019 3:49 PM, Gillian Edevane, 2656K, NY] reports Tennessee slaughterhouse workers who were detained in an Immigration and Customs Enforcement raid in April 2018 are suing dozens of individual agents for allegedly using excessive force and targeting workers based solely on race. In a lawsuit filed Thursday in a Tennessee federal court, the workers contend that ICE agents, along with officials from Homeland Security Operations, Enforcement and Removal Operations and the state's Highway Patrol, barged into the Southeastern Division meatpacking plant in Bean Station, Tennessee on April 5, 2018 as part of an "aggressive" raid. Once inside the plant, the officials began questioning only Hispanic workers while bypassing their white colleagues, attorneys from the Southern Poverty Law Center and National Immigration Law Center argued in court filings. In previous statements, officials stressed that the raid was the result of a prolonged and thorough investigation. All told, law enforcement detained approximately 100 workers and arrested 11 during the raid, which was carried out during an investigation into James Brantley, the plant's owner. Brantley pleaded guilty to a slew of charges, including tax evasion, wire fraud and employing undocumented immigrants, in September 2018. "As ICE Homeland Security Investigations has stated repeatedly – this agency is equally focused in its worksite enforcement efforts on the foreign nationals who unlawfully seek employment as well as the employers who knowingly hire them," U.S. Attorney J. Douglas Overbey said in a September statement. [Editorial note: consult source link for video]

Reported similarly: [WCRK-FM](#) [2/22/2019 10:17 AM, Mike Rypel, TN]

**[FL] The Justice Department Singled Out This Man in Expanding Efforts to Strip Citizenship. A Judge Doesn't Think the Case Is Open-and-Shut.**

[The Intercept](#) [2/23/2019 6:00 AM, Maryam Saleh, 500K] reports U.S. Magistrate Judge Patricia Barksdale found that enough of the facts are disputed to allow the case to move forward to trial. On Thursday, Barksdale, of the Middle District of Florida, issued a 59-page order in the case, U.S. v. Parvez Manzoor Khan, denying requests by both parties to resolve the case in their favor before going to trial. Barksdale, in her order, notes that Khan's denial that he acted intentionally or knowingly in a deceptive manner when applying for a change in immigration status is not alone enough to withstand summary judgment. A budget request by U.S. Immigration and Customs Enforcement for the 2019 fiscal year revealed that the Department of Homeland Security intended to spend \$207.6 million to investigate 887 leads uncovered through Operation Janus and to review 700,000 cases under Operation Second Look.

**[IA] Withdrawn Guilty Plea Can't Stop Deportation, 8th Circ. Says**

[Law360](#) [2/22/2019 8:37 PM, Suzanne Monyak] reports that the Eighth Circuit on Friday refused to shield a longtime U.S. resident from deportation, finding that his deferred judgment for a drug offense counted as a conviction for immigration purposes, even though his guilty plea was withdrawn. In a five-page opinion, the panel concluded that Jonathan Jaciel Zazueta, a Mexican citizen who has been a legal U.S. permanent resident since 2004, was removable under the Immigration and Nationality Act, upholding the Board of Immigration Appeals' decision to affirm an immigration judge's removal order.

Zazueta pled guilty in Iowa state court in 2009 to possession with intent to deliver a controlled substance. The court deferred judgment and sentenced him to four years'



probation, according to the opinion. Several months later, Zazueta was found guilty in Iowa state court of second-degree robbery, a violation of the terms of his probation. As a result, the judge revoked the initial deferred judgment and probation for the drug offense and sentenced him instead to no more than 10 years in prison. But in 2016, Zazueta's robbery conviction was vacated because of ineffective assistance of counsel, prompting Zazueta to ask the state court to scrap his drug conviction and reinstate the deferred judgment. The U.S. Department of Homeland Security initiated removal proceedings against him on the basis of the drug conviction while that motion was pending, according to the opinion. The judge said that further probation was not necessary because Zazueta was "rehabilitated," the opinion says. Zazueta then tried to make the case before an immigration judge that he did not have a conviction, but the immigration judge determined that the plea withdrawal was "merely a function of his completion of the deferred judgment," according to the opinion.

**[CO] ACLU drops suit against Teller County sheriff over ICE detainers while pursuing statewide ruling**

[Colorado Springs Gazette](#) [2/23/2019 3:49 PM, Lance Benzel, 51K, CO] reports that the American Civil Liberties Union of Colorado has dropped a lawsuit against Teller County's sheriff, Jason Mikesell, narrowing its legal battle over how undocumented immigrants are jailed in the Pikes Peak region in hopes of establishing a statewide precedent. In December, El Paso County District Judge Eric Bentley sided with the ACLU in ruling that Colorado sheriffs have no authority under state law to jail undocumented immigrants solely at the request of federal immigration authorities. Bentley's decision could apply statewide if it survives an appeal by El Paso County. The ACLU lawsuits in El Paso and Teller counties questioned local sheriffs' authority to honor so-called detention requests by Immigration and Customs Enforcement (ICE). Those documents essentially ask sheriffs to hold suspected undocumented immigrants for up to 48 hours beyond when they are otherwise eligible for release, giving ICE agents a chance to arrest them while they are still in custody. However, the detainers lack a judge's signature, making them insufficient under state law to hold people in jail, Bentley ruled. While Bentley's ruling bars the El Paso County sheriff from honoring ICE detention requests, it does not apply to Mikesell, who continues to honor the ICE detainers. If the Court of Appeals affirms Bentley's ruling, however, his ruling could bar all sheriffs in the state from honoring ICE detainers. Even if the court's decision is appealed to the Colorado Supreme Court, it is likely to be treated as law until the state's high court weighs in.

Reported similarly: [Westword](#) [2/22/2019 8:15 AM, Conor McCormick-Cavanagh, 106K]

**[MT] Man at Center of ACLU Lawsuit Takes Plea Deal in Burglary Case**

[Flathead Beacon](#) [2/22/2019 6:53 PM, Justin Franz, 4K, MT] reports a Eureka resident that the American Civil Liberties Union says was illegally detained in a Lincoln County jail was given a six-year suspended sentence stemming from a 2018 burglary. Agustin Ramon pleaded guilty to a single charge of burglary in January and was sentenced earlier this month in Lincoln County District Court. According to an attorney with the ACLU, Ramon has since been transferred into federal custody and is in the process of being deported. Ramon was booked in the Lincoln County Jail on Aug. 3, 2018 on a burglary charge. When Ramon tried to pay his \$25,000 bond, local law enforcement informed him that he would not be released because of an U.S. Immigration and Customs Enforcement detainer. Attorneys for the ACLU, ACLU of Montana and the Border Crossing Law Firm, which filed the lawsuit in



Lincoln County District Court on Oct. 31, 2018, argued that former Sheriff Roby Bowe was violating multiple articles of the Montana Constitution through the "unreasonable seizure" of Ramon. A Lincoln County judge rejected a preliminary injunction, and the case is now sitting before the Montana Supreme Court.

## **Enforcement News**

### **[MA] Winchester man held in ICE custody, facing deportation**

[Wicked Local Upton](#) [2/22/2019 6:25 PM, Mariya Manzhos, 8K, MA] reports that a Winchester man, arrested by Winchester Police on charges of child pornography, is being held by U.S. Immigration and Customs Enforcement (ICE) and is facing deportation for illegally residing in the United States. Danilo Portugal Ramscheid, 30, originally from Brazil, was arrested in Woburn on Feb. 11 by ICE's Enforcement and Removal Operations Boston and is being held at Plymouth Correctional facility, according to the ICE spokesperson John Mohan. Ramscheid was first arrested Feb. 4 by Winchester Police and was arraigned on charges of possession of child pornography and exhibiting a child in a sexual act. Winchester Police continue to investigate the incidents at 276 High St., where Ramscheid lived with his brother and reportedly other men since August 2018, according to Winchester Police. According to court documents, Homeland Security had been aware of Ramscheid and had concerns about possible illegal activity, but they "have been unable to charge him criminally at this time," according to court record filed in Woburn District Court on Feb. 5.

### **[NY] NYC Deportations Surge By 150% Under Trump**

[Queens Eagle](#) [2/22/2019 9:18 AM, Jonathan Sperling, NY] reports Immigration and Customs Enforcement (ICE) deportations have surged 150 percent citywide under President Donald Trump, with Queens residents accounting for about half of the total number of deportations, according to a report by City Comptroller Scott M. Stringer. ICE activity has increased the city, including at courthouses in Queens and other counties, according to the report, published on Thursday. Overall ICE arrests in New York City increased 88 percent between the last year of President Obama's tenure and the first two years of Trump's term, marking the third-highest increase of any major U.S. city. "Let's be clear: undocumented New Yorkers are part of the fabric of our city. But even in a sanctuary city like New York, the escalation of ICE raids, arrests, and intimidation is terrorizing the everyday life of our neighbors and forcing undocumented New Yorkers into the shadows," Stringer said in a statement. "These statistics are harrowing and they're a call to action, because these just aren't numbers – they're sons and daughters, brothers and sisters, mothers and fathers, partners, neighbors, and friends. Stringer also called on the city and state to protect undocumented New Yorkers by expanding access to immigrant legal services, and supporting immigrant bond services to ban ICE from all courthouses by way of the Protect Our Courts Act.

District attorneys from Manhattan, Brooklyn and the Bronx have all publicly called on ICE to stay out of their respective boroughs' courthouses, while Queens DA Richard A. Brown and Staten Island DA Michael McMahon have not. Queens has been the primary focus of ICE activity. The borough, home to more 1 million immigrants, accounted for half of the city's immigration court proceedings, according to Stringer's report. An ICE spokesperson declined to comment on the report, but did issue the following statement: "ICE focuses its enforcement resources on individuals who pose a threat to national security, public safety and border security," the ICE spokesperson said. "However, ICE no longer exempts classes



or categories of removable aliens from potential enforcement. All of those in violation of immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States." "Please note that ICE officers in New York perform their lawful duties of enforcing the immigration laws of this nation with integrity and pride," the spokesperson continued. "These men and women will continue to enforce the laws set forth by Congress as part of their civic duty, despite any criticism or political rhetoric. Further, those who choose to stay in the United States illegally are breaking the laws of this nation."

Reported similarly: [Metro.us](#) [2/22/2019 3:56 PM, Kristin Toussaint, 82K, NY]

**[NY] Detainee's wife: I don't know if there is preparation**

[WNYT](#) [2/22/2019 7:09 PM, Staff, 29K, NY] reports that the last 30 days have not been easy for Lisa Pepper-Ngoran. One month ago, on January 23, ICE agents took her husband Kinimo into custody. He's been locked up in a federal detention facility in Batavia, N.Y. ever since his arrest. Kinimo Ngoran's legal team released the following statement: "Immigration and Customs Enforcement unlawfully seized Mr. Ngoran on January 23, 2019, and have detained him ever since. Shortly after his detention, Mr. Ngoran's community quickly mobilized to assemble a team of lawyers who filed an emergency petition in federal court, seeking to challenge his detention and the rushed effort to deport him on the grounds that it violates his constitutionally protected rights."

**[MD] Frederick woman facing deportation despite lawsuit win: Don't focus on people who work hard**

[Frederick News-Post](#) [2/23/2019 9:30 PM, Cameron Dodd, 21K, MD] reports that Roxana Orellana Santos came to the United States in 2005, "fleeing lifelong physical, psychological, and emotional abuse" by her father, according to court records. Immigration enforcement authorities in San Antonio arrested her that September and released her on her own recognizance. Instructions to report to ICE each month weren't properly explained to her, her attorneys say, because she didn't speak or read English well. By 2008, Santos had relocated to Frederick. That October, as she ate on her lunch break behind the store, two Frederick County sheriff's deputies approached her. Santos was unaware the immigration court in San Antonio had ordered her deported in absentia at a 2006 hearing. When sheriff's deputies checked for warrants, they found the outstanding immigration order and arrested her. ICE detained Santos for more than a month. With the help of local immigration advocates and attorneys, she sued Frederick County and the sheriff's office, arguing that the deputies who arrested her were not trained under the agreement and lacked probable cause to question her. Although Roxana Orellana Santos has won a civil rights lawsuit over the arrest, she is still facing deportation. Judges have temporarily barred her removal, but only until her case against the county is resolved. Proposed legislation in the Maryland General Assembly this year would codify the 4th Circuit's ruling in Santos' case and further limit the role of local jails in immigration enforcement. Senate Bill 817 would prohibit county detention centers from holding people on civil immigration detainers if they do not have warrants for criminal offenses.

**[FL] Unborn baby killed in Davenport hit-and-run crash; deputies seek undocumented suspect**

[Orlando News 6](#) [2/22/2019 11:51 AM, Staff, 47K, FL] reports authorities in Polk County are actively searching for a 48-year-old Mexican immigrant accused of leaving the scene of a



Davenport crash earlier this month that resulted in the death of woman's unborn baby boy. Polk County Sheriff's Office deputies said the Feb. 9 crash involved three vehicles on Highway 17/92 and Shamrock Drive. Investigators determined the crash was caused when a GMC truck driven by Bionel Cervin-Gomez violated the right of way of a Chevrolet Aveo driven by a 22-year-old woman who was eight months pregnant. Cervin-Gomez fled the scene before deputies arrived, officials said. The 22-year-old was taken to Osceola Regional Medical Center, where doctors determined her unborn baby was dead. Deputies said they ran an inquiry through the U.S. Immigration and Customs Enforcement, and determined the suspect was previously was deported to Mexico and is in the U.S. illegally. A warrant was issued for Cervin-Gomez's arrest on charges of leaving the scene of crash with serious bodily injury and operating a vehicle without a driver's license. [Editorial note: consult source link for video]

[Orlando Sentinel](#) [2/24/2019 4:00 PM, Lisa Maria Garza, 170K, FL] reports Polk County deputies arrested a 48-year-old man on Saturday for leaving the scene of a crash earlier this month that caused the death of an unborn child, the sheriff's office said. Bionel Cervin-Gomez was driving a GMC truck on Feb. 9 near U.S. Highway 17-92 and Shamrock Drive in Davenport when he struck two vehicles; Cervin-Gomez fled the scene on foot. During the search for Cervin-Gomez, deputies discovered a woman used his debit card at an ATM and publicly posted a surveillance photo of her as a person of interest in the case. The woman later contacted the sheriff's office and told deputies where to find Cervin-Gomez. Cervin-Gomez told deputies he left the crash scene because he didn't have a driver's license. The sheriff's office said that Cervin-Gomez has been living in the United States illegally and was previously deported to Mexico in 2000. The sheriff's office said U.S. Immigration and Customs Enforcement requested a hold placed on Cervin-Gomez.

Reported similarly:

[News Channel 8](#) [2/22/2019 10:31 AM, Ryan Hughes, 90K, FL]

[ABC Action News](#) [2/24/2019 10:16 PM, Staff, 86K, FL]

[FOX 13 Tampa](#) [2/22/2019 7:30 PM, Staff, 62K, FL]

[10 News](#) [2/24/2019 10:36 AM, Andrew Krietz, 55K, FL]

[Lakeland Ledger](#) [2/24/2019 10:51 AM, Staff, 27K, FL]

[Winter Haven News Chief](#) [2/23/2019 7:31 AM, Staff, 1K, FL]

[10 News](#) [2/22/2019 7:00 PM, Staff, 55K, FL]

[Click Orlando](#) [2/24/2019 3:22 PM, Anna Johnson, 47K, FL]

[WNCT-TV 9 Greenville](#) [2/24/2019 2:51 PM, Staff, 10K, NC]

### **[FL] 12 indicted in NW Fla. for illegally re-entering U.S.**

[Walton Sun](#) [2/22/2019 5:16 PM, Staff, 1K, FL] reports a dozen people who were previously deported from the United States, including some found in Okaloosa, Santa Rosa and Walton counties, have been indicted by a federal grand jury on charges of illegally re-entering the country, according to a news release from Lawrence Keefe, U.S. Attorney for the Northern District of Florida. The indictments followed investigative work by U.S. Immigration and Customs Enforcement, the Okaloosa County Sheriff's Office and the Panama City Beach Police Department. Five assistant U.S. attorneys are prosecuting the cases, according to the news release. Three of the people captured face enhanced maximum sentences because of their criminal histories.



**[OH] Trading places: Unauthorized immigrant arrested after seeking detained son's release**

[WHBL](#) [2/24/2019 8:24 AM, Staff, 3K, WI] reports that the U.S. immigration agents who arrested Armando outside his Ohio home last fall would have had little trouble finding him: He had provided his address and fingerprints weeks earlier in a bid to get his 15-year old son out of government custody. The boy, Bryan, was apprehended in July after fleeing political violence in Nicaragua and crossing the southern border illegally. Armando and his attorneys contend that authorities found him with the information he supplied. Federal immigration officials would not say how he was found. Earlier this month, a federal spending bill was signed into law that generally bars officials from using information gathered to vet children's sponsors to target them for arrest and deportation. A DHS official, who declined to be identified, said the number of sponsors arrested was a "drop in the bucket" compared to the tens of thousands of arrests by immigration authorities each year. Immigrant advocates welcomed the limit on use of shared information but said it couldn't reverse the damage done to families. They noted that the provision is in a spending law that expires in September and that, in the meantime, the two agencies wouldn't stop exchanging information. HHS said it continues to work with DHS as part of its vetting process to ensure child safety. People who favor restricting immigration said the new provision hampers the government's ability to enforce immigration law.

**[MI] One-time 'Dreamer' detained by ICE in Grand Rapids**

[Michigan Live](#) [2/22/2019 11:42 AM, Justin P. Hicks, 480K, MI] reports a 23-year-old Mexican national with Deferred Action for Childhood Arrivals (DACA) status was detained by U.S. Immigration and Customs Enforcement agents in Grand Rapids. Brandon Reyes, 23, was arrested for unlawful presence in the country, according to ICE officials. He and his mother were taken into custody without incident at a Grand Rapids residence, and have been entered into removal proceedings in federal immigration court. ICE officials didn't say if Reyes' DACA status had expired, or if he attempted to renew his status. Officials referenced Reyes' driving under the influence conviction from 2018, which can be grounds for DACA revocation. Reyes' immigration attorney, Richard Kessler, said Reyes' DACA status was good at the time he was detained and wasn't due for renewal or expiration until this summer. He has been a local activist regarding immigrant rights, has spoken at local schools about being a "Dreamer," and is an active member of his church, Shrine of St. Francis Xavier and Our Lady of Guadalupe in Grand Rapids. ICE officials declined to comment on the attorney's allegation. "ICE deportation officers carry out targeted enforcement operations every day in western Michigan and locations around the country as part of the agency's ongoing efforts to protect the nation, uphold public safety, and protect the integrity of our immigration laws and border controls," officials said.

[WVPE 88.1](#) [2/23/2019 9:43 AM, Dustin Dwyer, IN] reports that Brandon Reyes says he's trying to stay optimistic after being arrested this week to face possible deportation. Officers from Immigration and Customs Enforcement arrested Reyes Wednesday, along with his mom. A spokesman for Immigration and Customs Enforcement noted that Reyes was convicted of a DUI last year. "There is a way that Department of Homeland Security can terminate DACA," says West Michigan immigration attorney Richard Kessler, who's involved in Reyes' case. "As far as I understand they did not do that yet in his case. I don't know if they're in the process of doing that." Reyes says he pled guilty last year to a charge of Operating While Intoxicated. He wasn't jailed for the offense, and he's been cooperating with the terms of his probation in the hopes it wouldn't hurt his record, or his DACA status. Neither Reyes nor his mother have been ordered deported by an immigration judge. Kessler



says it could be more than a year before Reyes even gets a hearing.

Reported similarly:

[Michigan Live](#) [2/23/2019 8:44 AM, John Tunison, 480K, MI]

[FOX 17](#) [2/22/2019 4:45 PM, Austin Denean, 43K, MI]

[Seattle Times](#) [2/22/2019 6:53 PM, Staff, 578K, WA]

**[IA] Illegal alien from Honduras nabbed at Spencer hotel, sent to prison for 6 months**

[North Iowa News](#) [2/22/2019 6:00 PM, Staff, 1K, IA] reports a man who entered the United States illegally from Honduras was sentenced on February 20, 2019, to six months' in prison. Enrique Garcia-Dormes, age 32, from Honduras, received the sentence after a December 12, 2018, guilty plea to one count of illegal re-entry. On August 29, 2018, officers from the Enforcement and Removal Office from ICE, acting on information provided by the Sioux City Police Department, conducted surveillance in Spencer, Iowa, searching for ICE fugitive Garcia-Dormes. Officers witnessed Garcia-Dormes exit a hotel and enter a vehicle along with two other occupants. Officers stopped the vehicle, and arrested Garcia-Dormes. Garcia-Dormes was sentenced to six months' imprisonment. He must also serve a 1-year term of supervised release after the prison term. Garcia-Dormes is being held in the United States Marshal's custody until he can be transported to a federal prison. The case was investigated by Enforcement and Removal Office of the Immigration and Customs Enforcement Bureau.

**[AZ] Border agents drop migrant families at Phoenix bus station**

[New Canaan News](#) [2/24/2019 1:01 PM, Staff, 1K, CT] reports authorities say U.S. Immigration and Customs Enforcement agents dropped off at least two busloads of migrant families during the weekend at a Greyhound bus station in Phoenix. The Arizona Republic reports that members of a local church offered soup, muffins and fruit to the families and began finding places for them to stay after they arrived Saturday morning and afternoon at a Greyhound station near downtown. Immigration and Customs Enforcement spokeswoman Yasmeen Pitts O'Keefe told the newspaper the bus station drop-offs came because organizations the agency normally works with couldn't accommodate the groups. O'Keefe didn't say how many people were released in Phoenix.

**[CA] Man who shot at California cop previously deported, arrested but cops wouldn't honor ICE detainer, feds say**

[FOX News](#) [2/22/2019 8:54 AM, Lucia I. Suarez Sang, 9216K] reports the illegal immigrant killed Sunday in a shootout with a California cop had been deported three times and arrested and released over ICE's objection on several occasions -- including cases involving the very department whose officer took him down in a dramatic exchange caught on her body cam. In a graphic, 48-second clip released Wednesday, body camera footage from Sunday's traffic stop shows Javier Hernandez Morales rolling down his window, grabbing a handgun and opening fire. Napa County sheriff's Deputy Riley Jarecki narrowly avoided getting struck before running to the other side of the car, firing at least 15 shots into the red Honda. Hernandez Morales, 48, died at the scene and the deputy was not seriously injured, officials said. Immigration officials said Thursday that the shooting and the man's death could have been prevented, but California's state law prohibited them from arresting the Mexican citizen with a long rap sheet and multiple deportations. Immigration and Customs Enforcement said Hernandez Morales has been deported three times before 2011 -- twice in 2007 and once again in 2010. ICE had issued four separate detainers for him



related to various arrests including suspicion of driving under the influence, battery on a peace officer and unknown probation violations. ICE said detainers were issued to Napa County Jail in 2014, 2015 and 2016 while Sonoma County Jail received one in 2016. "This incident may have been prevented if ICE had been notified about any of the multiple times Hernandez-Morales was released from local custody over the last few years," immigration officials said. "This is an impactful, scary example of how public safety is affected by laws or policies limiting local law enforcement agencies' abilities to cooperate with ICE.". The statement added: "ICE is grateful the deputy involved in this shooting was not harmed during this attack. It's unfortunate that our law enforcement partners and the community are subjected to dangerous consequences because of inflexible state laws that protect criminal aliens." [Editorial note: consult source link for video]

Reported similarly:

[Epoch Times](#) [2/22/2019 4:05 PM, Bowen Xiao, 221K]

[Washington Times](#) [2/22/2019 5:18 AM, Stephen Dinan, 527K, DC]

[The Daily Caller](#) [2/22/2019 2:38 PM, Jason Hopkins, 867K, DC]

[WND](#) [2/22/2019 8:23 PM, Staff]

**[El Salvador] Trans Asylum-Seeker Killed After U.S. Deportation Back to El Salvador**

[US News & World Report](#) [2/22/2019 9:51 PM, Nelson Renteria, 2894K] reports a Salvadoran transgender woman who sought asylum in the United States was killed weeks after she was deported, a rights group said on Friday. El Salvador's ASPIDH Rainbow Trans Association said Camila Diaz Cordova, a 29-year-old sex worker, applied for asylum in the United States in August 2017 to escape death threats and extortion by multi-national gang Barrio 18. U.S. immigration authorities have confirmed they deported Diaz Cordova in November 2017. After her return, she went back into sex work in the capital San Salvador, where she was eventually kidnapped and beaten, according to her close friend Virginia Flores. She died in hospital on February 3. "We demand that the authorities investigate, clear up the case and find those responsible," Rainbow Trans director Monica Linares told Reuters. "(U.S. authorities) forced her to sign (her deportation letter) and she signed, but she did not know what she signed because it was in English," Flores told Reuters.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Tuesday, Feb. 26, 2019**

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## Executive Office for Immigration Review

### Immigration court backlog rises

[KSAT 12](#) [2/25/2019 9:35 AM, Tiffany Huertas and Jason Foster, 62K, TX] reports hundreds of thousands of immigration cases across the country are pending in the federal courts. Today, 829,608 cases are stuck in the system, according to TRAC, a research data center at Syracuse University. In Texas, there are 123,024 pending cases, with 27,438 of them in San Antonio. Simon Azar-Farr, who specializes in immigration and federal criminal defense in San Antonio, said the congestion in the courts can't be blamed on just one thing. "There are all sorts of reasons that have contributed to that backlog including a shortage of immigration judges, a significant number of cases from Central America that came in 2014," Azar-Farr said. Azar-Farr said the recent government shutdown did not help either. "Many of the immigration judges could not report to work and since they could not report to work, many of the cases that had scheduled during that time frame had to be rescheduled in somewhat further adding to the backlog of future cases," Azar-Farr said. President Donald Trump mentioned the issue in a recent oval office address. "We have requested more agents, immigration judges to process the sharp rise of unlawful migration fueled by our very strong economy," Trump said.

Statement from U.S. Department of Justice - Executive Office for Immigration Review (EOIR): "Through the end of December 2018, the Executive Office for Immigration Review (EOIR) had 821,726 cases pending in 65 immigration courts and adjudication centers nationwide, as indicated here. The number of pending cases has risen by over 350 percent since FY 2009 and by about 50 percent since FY 2016. A number of factors have contributed to this trend, including a significant increase in asylum applications. Additionally,



new cases filed by the Department of Homeland Security (DHS) increased by almost 70,000 in FY 2017, and new case filings remain at historic highs. EOIR remains committed to a multi-level strategy to reduce the growing backlog, improve efficiency in our courts, and maximize our adjudicatory capacity, while maintaining due process. We are aggressively working to strengthen and improve the functioning of our immigration court system by hiring additional judges and support staff, implementing performance measures and completion goals long recommended by multiple agencies, increasing the use of video-teleconference capabilities, and launching electronic filing. These efforts are showing results. After seven years of declining or stagnant case completion numbers between FY 2010 and FY 2016, EOIR's case completions increased by nearly 14 percent in FY 2017 and by almost 20 percent in FY 2018, even though its net number of immigration judges hearing cases increased by only 3 percent in FY 2018. The difference between new cases filed by DHS and cases completed by EOIR fell by almost 18 percent in FY 2018, after two years of increases, including a 56 percent increase in FY 2017. EOIR now has 409 immigration judges nationwide, and has hired more immigration judges since Jan. 20, 2017, than it hired total between FY 2010 and FY 2016. EOIR expects its completion numbers to continue to increase as many of the 71 immigration judges hired in the past five months are just beginning to hear full case dockets."

### **Despite Trump Administration's Attempt to Cut Backlogs, Immigration Courts Caseloads Are Growing**

[San Antonio Current](#) [2/25/2019 10:10 AM, Sanford Nowlin, 16K, TX] reports the Trump administration's plan to slash the backlog of immigration cases by pressuring judges to hear more cases has had the opposite effect, according to new data. The average wait for an immigration hearing is now more than two years, according to a Los Angeles Times review of Syracuse University's Transactional Access Records Clearinghouse, which follows data from immigration courts. Since the Justice Department approved a plan in October 2017 to winnow down immigration court backlogs, the pending caseload has expanded by 26 percent, growing from 655,932 cases to around 830,000, according to clearinghouse data. And the university's data still understates the backlog, because it doesn't include the results of the recent 35-day government shutdown. Around 60,000 hearings were canceled while the nation's 400 immigration judges were off work. The administration "has not only failed to reduce the backlog, but has eroded the court's ability to ensure due process" by pressuring judges to rule "at a breakneck pace," the American Immigration Lawyers Association said in a statement supplied to the Los Angeles Times.

### **[TX] Immigration Courts Recover From Federal Shutdown As Historic Backlog Piles Up**

[Houston Public Media](#) [2/25/2019 1:55 PM, Elizabeth Trovall, 18K, TX] reports in 2000, less than 2,000 cases were pending in Houston immigration courts. Two decades later that number has soared to more than 52,000 cases – almost half of the backlogged cases statewide. Former Attorney General Jeff Sessions said that addressing the ballooning backlog is a priority, and beginning in 2017, the Department of Justice rolled out a number of policy changes they said would make things more fair and efficient. A new report by the American Immigration Lawyers Association claims these policies are failing. The immigration court backlog has increased 25 percent since the Trump administration implemented changes to address the backlog. Policy changes included establishing case quotas for immigration judges and curtailing the practice of administratively closing cases. Administrative closure helped judges prioritize the cases on their docket. Limiting that



practice added thousands of cases to the backlog. Courts in Houston and San Antonio have some of the longest wait times in the country. In addition to inefficiencies caused by policy changes, immigration courts are also recovering from the month-long government shutdown that caused some 10,000 cancelled hearings in Texas. Immigration courts are rescheduling missed hearings and filing back paperwork to address thousands of affected cases. Many hearings are already back on the calendar for several weeks from now – a three month delay from their initial court date. "We are seeing movement, so that was exciting," said Houston-based immigration lawyer Ruby Powers. She said courts are working quickly, all things considered. She said some hearings are being rescheduled as far out as 2022. [Editorial note: consult source link for audio]

**[UT] Utah's immigration judges tough on asylum seekers, many from Central America**  
[Standard Examiner](#) [2/25/2019 11:00 AM, Tim Vandennack, 18K, UT] reports immigration attorney Jonathan Bachison remembers – with clarity – the day earlier this month that one of his clients, a Salvadoran woman, won her asylum hearing in federal immigration court. The woman, now living in Ogden, "knelt down in court and said a prayer of thanks," he recalled. "That's the level of stress she was feeling." It can be an uphill battle for immigrants seeking asylum in the United States, particularly Utah, part of the reason the Feb. 14 decision in U.S. immigration court in West Valley City stuck out for Bachison. The Salvadoran woman beat the odds, as figures compiled by Syracuse University show that the vast majority of asylum cases in Utah, more than 80 percent of them, face rejection from the three U.S. immigration judges serving the state. The difficulty is known among immigration attorneys, who attribute the low success rate, in part, to the sorts of asylum cases most common in Utah – Central Americans seeking refuge due to violence, chiefly gang violence, in their home countries.

The problem for those from the region seeking asylum, however – no matter the dire nature of the circumstances in their home countries, their cases frequently don't have the required element of persecution, at least not in the eyes of immigration judges. As President Donald Trump pushes for change to make it even harder for asylum seekers, they aren't predicting a shift in the trend. Trump's efforts – including new guidelines making some asylum seekers stay in Mexico while their cases are decided – may be yielding the results he presumably seeks, checking their influx into the country. According to the data from Syracuse's Transactional Records Access Clearinghouse, or TRAC, the three U.S. immigration judges serving Utah decided 840 asylum cases between fiscal years 2013 and 2018, rejecting 81.1 percent of them. That gives the West Valley City judges, collectively, the 21st highest denial rate among the 54 cities with immigration courts. The two Chaparral, New Mexico, judges, topped the list, rejecting 95.8 percent of the cases before them. Nationally, the 347 judges tracked rejected 55.6 percent of asylum requests.

## **Policy and Legislative News**

### **House set to vote to end Trump's border wall 'emergency'**

[Reuters](#) [2/26/2019 1:10 AM, Susan Cornwell, Richard Cowan] reports that the U.S. House of Representatives votes on Tuesday on a resolution to terminate President Donald Trump's declaration of a national emergency to build a wall on the border with Mexico. House Democrats introduced the resolution last week, challenging Trump's assertion that he could take money Congress had appropriated for other activities and use it to build the wall. The resolution is expected to sail easily through the Democratic-controlled House.



Action then moves to the Republican-majority Senate, where the measure's future is uncertain even though it only requires a simple majority to pass. While Tuesday's vote will be another chapter in a long-running fight between Trump and Democrats over border security and immigration policy, it also will be a test of constitutional separation of powers, as it is the House and Senate that primarily dictate spending priorities, not the president. [Editorial note: consult source link for video]

Reported similarly:

[Politico](#) [2/25/2019 9:03 PM, Burgess Everett and Marianne Levine]

[Bloomberg](#) [2/26/2019 4:00 AM, Anna Edgerton and Erik Wasson]

[MSN](#) [2/26/2019 4:00 AM, Eliza Collins]

### **Former senior national security officials issue declaration on national emergency**

[Washington Post](#) [2/25/2019 1:31 PM, Ellen Nakashima] reports a bipartisan group of 58 former senior national security officials issued a statement Monday saying that "there is no factual basis" for President Trump's proclamation of a national emergency to build a wall on the U.S.-Mexico border. The joint statement, whose signatories include former secretary of state Madeleine Albright and former defense secretary Chuck Hagel, comes a day before the House is expected to vote on a resolution to block Trump's Feb. 15 declaration. The former officials' statement, which will be entered into the Congressional Record, is intended to support lawsuits and other actions challenging the national emergency proclamation and to force the administration to set forth the legal and factual basis for it.

[Law360](#) [2/25/2019 6:38 PM, Nicole Narea] reports the former officials said Monday that, despite the president's claims of an "invasion" at the southern border, border apprehensions are well down from historic highs. According to data from U.S. Customs and Border Protection, apprehensions of unauthorized border crossers ranged from 1 million to 1.6 million yearly from the 1980s to the mid-2000s. The officials also noted that most unauthorized immigrants residing in the U.S. overstayed their visas, which the wall would not affect. The officials claimed that there is no terrorist activity, emergency of violent crime or immediate threats to national security at the southern border.

Reported similarly:

[FOX News](#) [2/25/2019 2:44 PM, Gregg Re, 9216K]

[Washington Times](#) [2/25/2019 9:13 PM, Stephen Dinan, 527K, DC]

### **Congressman sees 'crisis' at border**

[Daily Post-Athenian](#) [2/25/2019 12:30 PM, Tommy Millsaps, 3K, TN] reports U.S. Rep. Chuck Fleischmann visited the U.S.-Mexico border recently on a fact-finding mission and said he does believe there is a "crisis" that necessitated President Donald Trump declaring the situation an emergency. The congressman said illegal border crossings are a humanitarian crisis for the many people crossing into the country through Mexico and the illegal crossings present a number of problems for the United States. Trump's emergency declaration through an Executive Order came right after the U.S. Senate and House passed a budget compromise. However, many of his opponents dispute that the illegal crossings at the border rise to the level of an emergency or that Trump has the legal authority to shift money to build more wall. At least 16 states have filed a legal challenge to Trump's declaration and they have filed their challenges in the U.S. District Court for Northern California, which has become known for ruling against Trump. Earlier this year,



Fleischmann was named a ranking member of the House Appropriations Homeland Security Subcommittee for the 116th Congress. In addition to providing funding for homeland security, Fleischmann said the Consolidated Appropriations Act fully funds the six remaining appropriations bills and it: Increases in the number of immigration judge teams from 395 at the end of FY18 to 534.

### **House Democrats prepare to grill Trump admin on family separation policy**

[CNN](#) [2/25/2019 11:17 PM, Priscilla Alvarez, 5847K] reports the debate over the Trump administration's controversial "zero tolerance" immigration policy, which resulted in thousands of children being separated from their parents last year, is set to ignite Tuesday when the House Judiciary Committee holds its first hearing on the issue. The panel is scheduled to hear testimony from administration officials, including the former director of the Office of Refugee Resettlement, which is tasked with placing unaccompanied minors with sponsors in the US. House Democrats have long denounced "zero tolerance," which called for the criminal prosecution of adults who illegally crossed the border and as a result, separated families. Now, in their newfound power as the majority, the hearing is the biggest opportunity yet for them to hammer officials over its rollout and subsequent ramifications. The policy has come under renewed scrutiny following a Health and Human Services inspector general report that found thousands more children had been separated than previously acknowledged. Still, Democrats are likely to latch on to the inspector general report as an example of the chaos that ensued when the policy was implemented and the resulting consequences.

Reported similarly: [Associated Press](#) [2/26/2019 4:00 AM, Colleen Long]

### **Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After The Policy Was Enacted**

[BuzzFeed](#) [2/26/2019 8:09 PM, Hamed Aleaziz, 8149K] reports that US border officials didn't receive guidance from the Trump administration on how to implement its "zero tolerance" policy that led to separations of migrant families until after Department of Homeland Security Secretary Kirstjen Nielsen signed a memo enacting it, according to emails obtained by Democracy Forward through a Freedom of Information Act request. The guidance was delivered May 4, 2018, nearly a month after then-attorney general Jeff Sessions announced that Justice Department prosecutors would charge all individuals who crossed the southern border without authorization under a zero tolerance policy. The memo appeared to leave some room for confusion among officials, who said they would apply "common sense" until additional clarification and guidance was issued, according to the emails received by Democracy Forward and shared with BuzzFeed News. To both former Department of Homeland Security officials and advocates, the timing of the guidance shows that US Customs and Border Protection authorities were unprepared for what soon became one of the most controversial policies enacted under the Trump administration - an intent to prosecute every individual who crossed the southern border without authorization – and eventually led to the separation of thousands of families. CBP officials did not comment on the emails obtained by Democracy Forward.

### **Remarks by President Trump at the 2019 White House Business Session with our Nation's Governors**

[The White House](#) [2/25/2019 1:29 PM, President Donald J. Trump, 437K, DC] reports that at the 2019 White House Business Session, President Donald Trump mentioned in his



address to the nation's governors present progress on the "big, beautiful, powerful steel wall" at the southern border, the centerpiece of Trump's 2016 presidential campaign. "If you don't have it, you're not going to have borders, you're not going to have a country pretty soon. If we had a wall, we'd save a fortune not only on drugs that are being smuggled into the country." Trump went on to praise Border Patrol and Immigration and Customs Enforcement agents and going to areas with "tough, tough people." Trump said that he expects to have 250 to 300 miles of wall built along the border "in the very near future."

### **Trump: Guatemala, Honduras and El Salvador 'aren't sending their best'**

[Washington Post](#) [2/25/2019 11:15 AM, Staff] At an event with the National Governors Association Feb. 25, President Trump spoke about immigration, MS-13, and migrant caravans at the border. [Editorial note: consult source link for video]

### **US sending Central American migrant minors back to Mexico**

[Washington Post](#) [2/25/2019 5:01 PM, Maria Verza] reports Mexico has accepted 112 Central American migrants from the United States, and they include 25 minors in a policy reversal, the head of Mexico's immigration agency said Monday. Late last month, the U.S. launched the so-called "remain in Mexico" program negotiated with Mexico to make some asylum applicants wait in Mexico during the months and even years that it can take to resolve such cases. National Immigration Institute Commissioner Tonatihu Guillen had said last month that Mexico wouldn't accept migrants younger than 18 while they await the resolution of their U.S. asylum claims. But Guillen said Monday that Mexico is accepting children who are accompanied by their parents, saying the numbers remain small. Guillen said the 112 migrants sent back through Feb. 21 included 17 families from Honduras, El Salvador and Guatemala. The migrants return to Mexico through the El Chaparral crossing in Tijuana.

### **Worker visas in doubt as Trump immigration crackdown widens**

[Washington Post](#) [2/25/2019 4:16 PM, Matt Sedensky] reports new federal data shows the extent to which skilled foreign workers have been impacted by President Donald Trump's immigration crackdown. Application denials have increased for skilled workers seeking several types of visas, including one of the biggest, known as the H-1B. Applicants are also more frequently being caught in bureaucratic tangles through something called a "request for evidence," which can lead to delays and denials. Trump has variously attacked and expressed support for the H-1B visa program, but his administration has made multiple policy changes aiming to tighten who qualifies. The administration defends the moves as protecting American workers.

### **Lawmakers Face Pressure to Resolve Fate of 'Dreamers'**

[Wall Street Journal](#) [2/25/2019 9:11 AM, Louise Radnofsky and Natalie Andrews] reports lawmakers return to Washington with a months-long fight over border-security spending behind them, another battle over the national emergency declaration just beginning, and a familiar dilemma ahead: the unclear fate of hundreds of thousands of young immigrants brought to the U.S. illegally as children. Democrats in control of the House are under pressure to take action on two intertwining issues: resolving the legal status of the young immigrants dubbed "Dreamers," and reckoning with calls from some within the party for a more aggressive approach in the broader immigration debate. Potential legislation on the matter of Dreamers has support from both sides of the aisle, but Republicans would likely



want to pair the bill with more border-security measures. Interest in the GOP-led Senate in taking up any bill is unclear.

### **Thousands of Vietnamese Refugees in the U.S. Fear Trump Will Send Them Back**

[Bloomberg](#) [2/25/2019 4:00 PM, Sheridan Prasso] reports that the 2008 accord between Vietnam and the U.S., which covered deportation arrangements for each country's nationals, was believed to protect Vietnamese refugees who came to the U.S. before the normalization of relations in July 1995. Many of these are former soldiers who had fought on the same side as U.S. forces and now have families. The text specifies that pre-1995 refugees aren't subject to return under the terms of the agreement. But the Trump administration is interpreting that to mean refugees aren't explicitly protected, either, and should be deported like other non-U.S. citizens who don't have or have lost legal residency. The agreement "does not preclude the removal of pre-1995 cases," says Pope Thrower, spokesman for the U.S. Embassy in Hanoi. Spokesmen for both ICE and the embassy say countries are obligated to take back their nationals when another country seeks to expel them, but officials failed to get Vietnam to accept more than 6,000 pre-1995 refugees with criminal records during talks in December. White House representatives didn't respond to questions about whether Trump intends to bring up the refugees on this trip. The policy shift affects more than those facing deportation. Add the number of people who would lose a spouse, parent, colleague, or employee, and the number stretches to the tens of thousands, says Tung Nguyen, who helped organize rallies in January in other large Vietnamese communities, including San Jose, Seattle, Houston, and New Orleans. "We are asking the government to have consideration for our refugee experience," says Nguyen, who was facing deportation himself before being pardoned by former California Governor Jerry Brown last year. "The U.S. was in Vietnam," Nguyen says. "That's why we're here, and that's why we are asking the government to consider that, to allow us the opportunity to remain with our families. We already paid our debt to society."

### **[VT] Vermont senator: State to receive withheld federal grants**

[San Francisco Chronicle](#) [2/26/2019 1:44 AM, Staff, 1773K, CA] reports U.S. Sen. Patrick Leahy says approximately \$2.3 million in U.S. Department of Justice grants that have been withheld from Vermont over an immigration policy dispute with the Trump administration will be released. The Democrat says the grants for public safety and to fight the opioid epidemic were withheld due to Trump's policies regarding so-called "sanctuary cities" that refuse to cooperate with federal immigration agencies. Vermont Public Safety Commissioner Tom Anderson said Monday that the Justice Department concluded that Vermont State Police fully comply with the requirements of federal law. The Justice Department didn't respond to an email seeking comment after hours. Anderson says the Legislature and state police have always balanced ensuring immigrants living in the U.S. illegally feel safe reporting crimes with the obligation to comply with federal law.

### **[NY] Trump Policy A Dead Letter For Young Migrants, Judge Says**

[Law360](#) [2/25/2019 6:48 PM, Pete Brush] reports the Trump administration's move to ignore New York family court guidance when deciding if at-risk immigrants who are 18 to 21 years old can get special protected status means the federal system is now a "dead letter" for such applicants, a Manhattan federal judge said Monday, expressing doubt over the legality of the policy. U.S. District Judge John G. Koeltl made the comments at oral argument as immigrants in that age range seek to overturn current White House policy, which they claim has made it effectively impossible for a class of applicants from New York state to attain



Special Immigrant Juvenile Status under federal law. On Monday, Judge Koeltl did not issue any ruling. But during lengthy and often highly technical arguments he repeatedly expressed dismay over the policy, saying it "effectively" amounts to a "dead letter" for any SIJ applicant in that age range whose application relies on the word of a New York family court judge. Lawyers for the Trump administration have taken the position that the move to deny SIJ status to applicants in that age range is not a policy change at all. The New York state attorney general has weighed in to support the plaintiffs, saying the Trump policy is hostile to immigrants.

**[NY] Albany protesters demand 'Close the camps'**

[Albany Times Union](#) [2/25/2019 5:37 PM, Mallory Moench, 105K, NY] reports nine-year-old Sadie Hayek has a message: "Free the children, close the camps." On Monday, Hayek stood outside the Lee O'Brien Federal Building in downtown Albany, holding her sign with the slogan up against the high wind warning. She, another 4th grade student and their teacher from the Albany Free School joined a dozen local protesters calling on elected officials to shut down child detention centers. Last summer, the government separated undisclosed numbers of children from their parents at the U.S. southern border. By September, 12,800 children were detained in federally contracted shelters -- the closest to the Capital Region in Kingston. Monday's protest was organized by Chloe Blanch, a freelance writer and mother of a toddler who hosted a similar rally in Saratoga Springs earlier this year. She said she wanted to push past just feeling bad and do something by demanding legislators take action. The bill prohibits the Department of Health and Human Services from operating unlicensed temporary emergency shelters for unaccompanied alien children, including the existing shelters in Tornillo, Texas and Homestead, Fla. The bill was also introduced in the House of Representatives.

**[GA] Immigrant crime data bill wins approval**

[Brunswick News](#) [2/26/2019 12:15 AM, Wes Wolfe, GA] reports House Bill 202 would provide to the public aggregate statistics on crimes committed by people in state prisons who are in the country illegally. Monday afternoon, the state House Public Safety and Homeland Security Committee approved the bill on a 8-2 vote. State Rep. Jesse Petrea, R-Savannah, is the lead sponsor of the bill and said it only pertains to state prisons — not local jails. The aggregate data would include numbers on those under detainers from U.S. Immigration and Customs Enforcement, offenses committed and the home countries of the inmates "who are not United States citizens and who are confined under the authority of the department and, with regard to the total population in confinement, the percentage that comprises persons who are not citizens of the United States."

**[TX] Juarez, El Paso grapple with rising tensions as Trump policies lead to migrant backup at border**

[Dallas News](#) [2/25/2019 3:00 AM, Alfredo Corchado, TX] reports that the number of asylum-seekers arriving in this troubled city has reached a critical point as renewed drug violence explodes, creating what local leaders say is a pressure cooker for the region with a perilous outcome for both sides of the border. A group of priests, including a representative of the Vatican, and migrant advocates plan a Tuesday afternoon Mass near an 18-foot high fence to push back against President Donald Trump's Feb. 15 proclamation of a national emergency to build a wall on the U.S.-Mexico border. The priests are also calling on the government of Mexico President Andres Manuel Lopez Obrador to resist pressure from Trump to implement Migration Protection Protocols, which are already in effect in Tijuana



and are expected to be enforced in the coming days in the El Paso-Juarez area, too, said U.S. Rep. Veronica Escobar of El Paso. Across the border in El Paso, Annunciation House, a principal nonprofit waystation for asylum seekers, said it took in more than 3,600 migrants from Feb. 16-23, a record for the shelter. Because space is limited in holding cells there, many were released with ankle bracelets and given court dates to present their cases for asylum. The situation is largely a result of Trump's so-called metering system, which limits the number of people allowed to present their asylum claims at legal ports of entry. In Juarez, as many as 60 people were being processed each day at one point. That number is now down to an average of 20, thus discouraging migrants from seeking asylum at border checkpoints and leading many to attempt to cross in remote, often desert or scrub, areas. Their only other option is to be added to the U.S. waiting list and wait in Mexico until their names rise to the top of the list for processing.

**[TX] Texas lawmakers to file bills repealing 'sanctuary cities' law**

[KVUE News](#) [2/25/2019 8:27 PM, Staff, 78K, TX] reports that about 100 people rallied outside the Texas State Capitol Monday, calling on lawmakers to repeal Senate Bill 4 (SB4) from the 2017 legislative session. The bill, which was signed into law, requires city and county jails to hold people with ICE detainers for 48 hours. ICE detainers are voluntary requests from the U.S. Immigration and Customs Enforcement to hold someone while their immigration status is verified. The law also allows Texas law enforcement officers to ask people for their immigration papers. That practice is now the subject of lawsuits. State Senator Jose Menendez (D-San Antonio) said efforts to repeal SB4 have had a chilly reception from Republican lawmakers, but he is filing legislation to send the message that this issue is still on the minds of many Texans who oppose the law. [Editorial note: consult source link for video]

Reported similarly: [KTXS 12](#) [2/25/2019 9:43 PM, Jordan Bontke, 38K, TX]

**[TX] Drag Queens Protest at Border Wall to raise money for LGBTQ Asylum-Seekers**

[NBC News](#) [2/25/2019 12:55 PM, Reynaldo Leanos, Jr., 4061K] reports Beatrix Lestrangle stood in front of a crowd wearing a multicolored dress, red wig, black pumps and a choker with studs. "Who's ready to have a political time?" Lestrangle asked the audience, which was standing in a semicircle cheering and applauding. "We'll try to bring joy, positivity, beauty, drag, culture to whatever this is," Lestrangle added, pointing to the border wall directly behind her. Drag queens from across the Rio Grande Valley in south Texas, which sits on the U.S.-Mexico border, gathered Saturday in front of an existing border structure in Brownsville to host a No Border Wall Drag Protest. They said their goal was to show people there is no border crisis and voice opposition to more barrier construction in the region. All the money raised by the protest will go to LGBTQ asylum-seekers.

Reported similarly: [The Hill](#) [2/25/2019 3:05 PM, Justin Wise, 3038K]

## **Legal News**

**[NY] Kinimo's fate: Judge gives ICE a week to decide to release or deport chef**

[Times Union](#) [2/25/2019 4:59 PM, Mallory Moench, 105K, NY] reports Kinimo Ngoran is not coming home yet. On Monday, a federal judge gave the government a week to make a decision about whether to continue Ngoran's stay of removal, which prevents him from



being deported, and to keep him detained, Ngoran's lawyer said. The Capital City Rescue Mission chef has been in Batavia Federal Detention Facility near Buffalo after he was arrested in Latham by ICE during a routine check-in a month ago. ICE spokesman Khalid Walls said Ngoran was ordered removed from the U.S. by a federal immigration judge in 2004. Courts denied his subsequent appeals. While Ngoran's attorney at the time worked on his appeal, the Department of Homeland Security issued him a temporary stay of deportation, forbidding his immediate removal.

Reported similarly: [WNYT](#) [2/25/2019 3:00 PM, Staff, NY]

## **Enforcement News**

### **[VA] Mongolian man may face deportation for felony**

[Northern Virginia Daily](#) [2/25/2019 4:20 PM, Alex Bridges, 7K, VA] reports that a man convicted of giving false information to authorities and forging a public document might face deportation to his native Mongolia. Judge Clifford L. Athey Jr. sentenced Baterdene Batjargal in Warren County Circuit Court on Monday to 10 years in prison with all but eight months suspended for felony forging a public document and four months in jail for misdemeanor identify theft. Batjargal's attorney Bradley Pollack said outside the courtroom after the hearing that the judge essentially sentenced his client to time served given that the defendant spent the past nine months in Rappahannock-Shenandoah-Warren Regional Jail since his arrest in May. The defendant's father, Suqhpaaqar Batjargal, a truck driver in Virginia, testified on his son's behalf through the help of a Mongolian interpreter. The father testified he fled Mongolia about nine years ago for "political" reasons and left his son, then 9 years old, behind. Now he fears his son faces danger if sent back to Mongolia. Suqhpaaqar Batjargal said that he could be called to testify as a witness in a crime, and this could put his son in danger. Athey noted that Baterdene Batjargal's potential deportation remains in the hands of U.S. Department of Immigration and Customs Enforcement.

### **[FL] Terminally ill woman gets ICE reprieve from deportation to Honduras**

[Orlando Sentinel](#) [2/25/2019 1:05 PM, Yvonne H. Valdez, 170K, FL] reports it was Reina Gómez's "final date" in all senses of the word. Her "final" chance to persuade immigration officials that she should not be deported, largely because medical treatment she needs is not available in her homeland of Honduras. And "final" to represent the end of her life, because — as her doctor says — deporting her would be a death sentence. But "final" became "temporary" last week, when Gómez's application for a humanitarian visa was granted by the Immigration and Customs Enforcement Service. "I'm so excited. When I entered they took all my documents to another place. Then an officer came and told me my case is approved. I understood what they told me, but I did not react. My lawyer translated and told me: 'They approved you,' but I could only say: 'I'm in shock'" said Gómez, of Miami.

### **[FL] Mother of executed Venezuelan rebel officer Oscar Pérez is living her own hell in U.S.**

[Miami Herald](#) [2/25/2019 5:50 PM, Antonio Maria Delgado, 535K, FL] reports President Donald Trump praised her son as a courageous patriot who sacrificed his life for Venezuela's freedom, and took her by the hand to briefly share the stage during his recent speech at a Venezuelan gathering in Miami. Despite the presidential embrace, the mother of assassinated rebel police officer Oscar Pérez has suffered through anguished moments



in the United States, forced into a harsh immigration process that first landed her in a detention center and now keeps her mired in uncertainty and the edge of poverty. The case of Aminta Pérez reflects the ambiguity of the U.S. government as it deals with the grave crisis in Venezuela, leading the international efforts to end the Nicolas Maduro "narco-dictatorship" while at the same time displaying a hostile face toward the Venezuelans who knock on its doors to ask for political asylum. She has received little support so far - excluding her brief meeting with Trump in Miami last week -- and her interactions with U.S. officials have been marked by hostility and mistreatment since September 2017, when she asked for asylum after arriving at the official Tijuana-San Diego border crossing with her daughter in law and Oscar's children. Even though immigration officials are quick to point out that the persons applying for asylum are only "detained" and not "under arrest," the process is often virtually the same. Pérez, who is now free on parole while waiting to put her asylum petition before an immigration judge, said she felt she was treated like a criminal during her detention and was occasionally mistreated physically. [Editorial note: consult source link for video]

**[FL] Sheriff can't pursue manslaughter charge after crash killed unborn child**

[10News](#) [2/25/2019 5:44 PM, Liz Crawford, 55K, FL] reports that the Polk County Sheriff's Office arrested a man deputies say ran from the scene of a crash that injured a pregnant woman, causing the death of her unborn baby. The sheriff's office said Bionel Cervin-Gomez, 48, is an illegal immigrant who was deported in 2000. Deputies captured him Saturday in Haines City. Investigators believe Cervin-Gomez left the scene of a three-car crash on Feb. 9 on Highway 17/92 in Davenport. Courtney Belser's unborn son died because of the trauma she endured during the wreck. She was eight months pregnant. Sheriff Grady Judd originally wanted to pursue vehicular manslaughter charges. After looking into the law, a spokesperson with the Polk County Sheriff's Office determined they won't be able to charge Cervin-Gomez with manslaughter because the crash was caused by a non-criminal traffic offense. Although there is surveillance video of Cervin-Gomez buying beer two hours before the wreck, the Polk County Sheriff's Office can't prove he was drunk at the time of the crash. Instead, Cervin-Gomez is charged with two felonies, leaving the scene of a crash with great bodily injury or death and driving without a license causing death or great bodily injury.

**[MI] ACLU says records show racial profiling, mocking of Marine detained by ICE**

[NBC News](#) [2/25/2019 3:32 PM, Daniella Silva, 4061K] reports the American Civil Liberties Union released records Monday that it says show a police officer racially profiling a U.S. citizen and Marine veteran who was detained for deportation and mocking his disability. Jilmar Ramos-Gomez, a former Marine who suffers from post-traumatic stress disorder, was held for three days in an immigration facility in Michigan in December for possible deportation until his attorney intervened, according to the ACLU. He was born in Michigan. The ACLU said in a statement that the documents it released show Grand Rapids police Capt. Curt VanderKooi "racially profiling" and mocking Ramos-Gomez in his interactions with Immigration and Customs Enforcement. "Here is an officer who sees someone who is Latino, who has a Latino sounding name, and contacts ICE," Miriam Aukerman, senior staff attorney at the ACLU of Michigan, told NBC News.

Ramos-Gomez was arrested on Nov. 21 after he allegedly set a small fire, pulled an alarm and trespassed on a heliport at Spectrum Health Butterworth Hospital in Grand Rapids, according to police. Later that evening, VanderKooi watched a news report about the arrest



and emailed Derek Klifman, an ICE officer, according to the timeline and the documents. "Could you please check his status?" the email began. A separate ICE officer emailed VanderKooi on Nov. 23 and said he interviewed Ramos-Gomez and determined "he is a foreign national illegally in the U.S.," according to the documents. The ICE officer said Ramos-Gomez would be brought into custody when he was released from his criminal case. ICE has said in a statement that Ramos-Gomez claimed he was in the U.S. illegally during the interview and lodged a detention request with police based on his statements. Ramos-Gomez pleaded guilty to trespassing and was released on his own recognizance on Dec. 14, according to the ACLU. He was then taken into ICE custody, where he was held until Dec. 17 when his family's attorney intervened, according to the ACLU. [Editorial note: consult source link for video]

[WOOD TV](#) [2/25/2019 6:44 PM, Lynsey Mukomel, MI] reports Miriam Aukerman, senior staff attorney for ACLU of Michigan, told Target 8. Her client, Ramos-Gomez, was arrested on Nov. 21 after he allegedly set a fire inside Spectrum Health Butterworth Hospital, pulling the fire alarm and somehow making it onto the helipad. The following month he was wrongfully detained by ICE and transported to the Calhoun County Jail. He was released after Ramos-Gomez' mother contacted an attorney who provided proof of his U.S. citizenship. But Target 8 found GRPD knew he was a citizen the moment he was arrested: his U.S. passport and military tags were among the items seized at the hospital. References to his passport were made in the police report detailing the arrest, which was among documents released to both Target 8 and the ACLU through FOIA. When asked whether ICE had read through the report before interviewing Ramos-Gomez and taking steps to detain him, ICE spokesman Khaalid Walls said the agency stood by its earlier statement and had nothing further to add. In the earlier statement, ICE said Ramos claimed he was a foreign national illegally in the U.S. during an interview with ICE officers, and that the federal agency released him after a family attorney gave them documents showing is U.S. citizenship. ICE said "no further action will be taken."

Additional reporting:

[The Hill](#) [2/25/2019 8:07 PM, Justin Wise, 3038K]

[Newsweek](#) [2/25/2019 3:41 PM, Maria Perez, 2656K, NY]

[BuzzFeed](#) [2/25/2019 10:46 AM, Hamed Aleaziz, 8149K]

[Michigan Live](#) [2/25/2019 1:51 PM, Michael Kransz, 480K, MI]

[WVPE 88.1](#) [2/25/2019 11:00 AM, Dustin Dwyer, IN]

### **[IL] Dwight board delays decision on detention facility until March**

[Pantagraph](#) [2/25/2019 8:00 AM, Kevin Barlow, 32K, IL] reports a decision on annexing property for a possible federal detention center in Dwight will not come until March. On Friday, village officials posted the agenda for the Monday night Village Board meeting. Instead of voting on a recommendation from the Planning Commission to annex an 88-acre tract near Interstate 55 and Illinois 17 just outside the village, the board will likely table the matter until its next meeting on March 11. The board acknowledged receiving the recommendation but indicates the request to table the matter came from the proposed developer of the project, the Immigrations Centers of America (ICA). Village officials were not available for comment Sunday. Efforts to contact officials with ICA were also unsuccessful. Earlier this year, Village President Jared Anderson said the Richmond, Virginia-based company had contacted Dwight officials about the possibility of building a federal center to house 1,200 men awaiting immigration hearings. The facility would be



managed by the U.S. Immigration and Customs Enforcement (ICE). Even if the land is annexed, there is no guarantee the facility would be built in Dwight.

**[WI] Wisconsin Governor Orders Troops to Leave Southern Border**

[New York Times](#) [2/25/2019 5:29 PM, Associated Press, 20737K] reports Wisconsin Gov. Tony Evers is ordering the state's National Guard troops to withdraw from the nation's southern border and return home. Former Republican Gov. Scott Walker ordered troops to Arizona in June to assist with administrative duties along the border. Evers, a Democrat, issued an executive order on Monday ordering them to withdraw. Evers said in a news release announcing the order that about 112 troops are currently serving in Arizona. He said in the release that keeping the borders safe and protecting immigrants seeking asylum is the U.S. Customs and Border Patrol's job and there's not enough evidence to support Republican President Donald Trump's declaration that a national emergency exists along the border. He says there's no justification for Wisconsin National Guard troops to remain at the border.

Reported similarly: [Washington Times](#) [2/25/2019 6:17 PM, Todd Richmond]

**[TX] CBP officers in riot gear deployed after migrant group arrives at El Paso area border**

[El Paso Times](#) [2/25/2019 3:01 PM, Daniel Borunda, 15K, TX] reports U.S. Customs and Border Protection officers in riot gear were deployed Sunday when a large group of migrants arrived at the Tornillo international bridge outside El Paso, officials said. More than 30 migrants showed up at the Tornillo border after a continuous influx of migrants from Cuba, Central America and other countries arriving in Juárez in recent weeks. The migrants seeking asylum arrived just after 6 p.m. at the Tornillo port of entry, southeast of El Paso, CBP said. "CBP officers were able to accommodate a small number because of port processing capacity limits but the majority were not allowed to make entry at that time," CBP said in a statement. "CBP mobile field force officers were deployed to Tornillo to help manage the queue." Since October, El Paso CBP and Border Patrol agents have been conducting "mobile field force" training exercises using riot gear, in preparation for the possibility that migrant caravans attempt to rush the border. [Editorial note: consult source link for video]

**[TX] A 24-year-old Honduran woman's pregnancy ended in a stillbirth at an ICE detention center**

[Washington Post](#) [2/25/2019 9:10 PM, Reis Thebault, 9763K, DC] reports that a 24-year-old woman went into premature labor and delivered a stillborn baby while she was in custody at an Immigration and Customs Enforcement detention center in South Texas last week, officials said. The woman, a migrant from Honduras whose identity the agency withheld, was arrested near Hidalgo, Tex., on Feb. 18. In a statement, officials said the Department of Homeland Security, which oversees ICE and U.S. Customs and Border Protection, doesn't count stillbirths as in-custody deaths; rather, they're recorded in their own category, along with miscarriages. An ICE spokesman said stillbirths are very rare, but the announcement drew swift public condemnation from advocates and migrant rights groups. The stillbirth will probably raise new questions about ICE's policy of detaining pregnant women, which changed from a "presumption of release for all pregnant detainees" after an executive order from President Trump directed the agency "to enforce the immigration laws of the United States against all removable aliens." The new policy, the agency says, is to determine



whether to detain pregnant women on a "case-by-case" basis. In this case, the ICE spokesman said, the woman was scheduled for a "humanitarian release" from Port Isabel Detention Center, but she went into labor while being processed. She will now be released from custody sometime Monday. ICE policy states that its detention facilities provide onsite prenatal care and remote access to specialists for pregnant women who are in custody.

[New York Times](#) [2/26/2019 3:13 AM, Mihir Zaveri, 20737K, NY] reports that Danielle Bennett, an ICE spokeswoman, said she had seen no information that indicated the woman's detention contributed to the stillbirth. "Although for investigative and reporting purposes, a stillbirth is not considered an in-custody death, ICE and CBP officials are proactively disclosing the details of this tragic event to be transparent with Congress, the media and the public," the agencies said in the statement. Ms. Bennett said that without a full understanding of someone's medical history, it was difficult to tell what caused a miscarriage or when exactly it began. Randy Capps, director of United States research for the Migration Policy Institute, said because the woman's detention was only for a few days, "It would seem unlikely detention was the cause" of the stillbirth.

Reported similarly:

[Washington Post](#) [2/25/2019 7:16 PM, Associated Press, 9763K]

[Washington Examiner](#) [2/25/2019 3:43 PM, Pete Kasperowicz, 629K, DC]

[The Hill](#) [2/25/2019 7:28 PM, Brooke Seipel, 3038K]

[NBC News](#) [2/25/2019 12:49 PM, Daniella Silva, 4061K]

[Time](#) [2/25/2019 6:13 PM, Tara Law, 2917K]

[News 25](#) [2/25/2019 8:30 AM, Staff, 10K, IL]

### **[CO] ICE's Rapid Expansion Has Led to Chickenpox, Quarantines, and Desperation**

[Vice](#) [2/25/2019 4:19 PM, Meredith Hoffman] reports that last month at the Denver Contract Detention Facility in Aurora, Colorado—an 1,100-bed immigrant detention center notorious for frequent chickenpox outbreaks and poor medical care—immigration attorney Laura Lunn started hearing murmurs from guards that the facility's owner, private prison company GEO Group, was preparing to open a second location next door. Guards had speculated about this before without anything coming to pass, but this time Lunn was shocked when the adjacent vacant building was filled overnight with hundreds of people. Within weeks, chickenpox and mumps had broken out in both facilities and 261 people were placed into quarantine. An ICE spokesman did not comment directly about the quarantines at Aurora but said in an email that ICE is committed to ensuring that everyone in custody receives timely access to medical services and treatment. ICE's Office of Detention Oversight (ODO) serves to conduct independent oversight of detention conditions for ICE detainees, he said, which ensured the agency's "high standards for care are met."

### **[OR] Former ICE detainee welcomed home in Astoria**

[Daily Astorian](#) [2/25/2019 4:00 PM, Edward Stratton, OR] reports volunteers who helped free Ruben Perez, an Astoria man detained by immigration agents in December near the Clatsop County Courthouse, gathered Saturday night in the Astoria Masonic Hall for a welcome-home party eight days after he was released. In December, Ruben Perez was detained after he appeared in Circuit Court on a probation issue related to a drunken-driving case. He and his wife Maria were driving to the jail afterward to check in with a pretrial release officer when they were pulled over by unmarked vehicles, and he was taken into custody, Maria Perez said. An immigration judge in Tacoma earlier this month found that



Ruben Perez could be eligible to have his deportation canceled because it would cause unusual hardship on his wife and children, who are all U.S. citizens, and because he has lived in the U.S. for more than 10 years. Ruben Perez spent 61 days in the federal Northwest Detention Center in Tacoma, he said. Volunteers with Pacific Unitarian Universalist raised money to post his bail, and with a loan from retired doctor Frank Erickson of Astoria, freed him Feb. 15. Despite seeing news coverage of U.S. Immigration and Customs Enforcement arrests, she couldn't imagine what families were going through until it happened to hers, Maria Perez said. Ruben Perez has gone back to work for a janitorial contractor while he applies for a work visa and waits for his next court date.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Feb. 27, 2019**

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## Executive Office for Immigration Review

### Senior HHS official says he didn't share concerns about family separation with superiors

[CNN](#) [2/26/2019 3:55 PM, Staff] reports the former head of the Office of Refugee Resettlement, the agency tasked with caring for unaccompanied migrant children, appeared to concede he didn't raise concerns shared by colleagues about the controversial "zero tolerance" immigration policy with superiors. The response from Scott Lloyd, now a Health and Human Services senior adviser, was prompted by Democratic Rep. Pramila Jayapal during a House Judiciary Committee hearing on the policy. "Did you ever say to the administration, 'this is a bad idea, here's what my child welfare experts have told us. We need to stop this policy.' Did you once say that to anybody above you?" Jayapal asked. "To answer your last question. I did not say those words," Lloyd replied. The question stemmed from a hearing earlier this month that was also attended by Jonathan White, the coordinating official of Department of Health and Human Services' family reunification



efforts. White said at the time that not only that he wouldn't have supported the policy but that he had raised concerns prior to its implementation. White said he had shared those concerns with Lloyd, then-acting Assistant Secretary for Children and Families Steven Wagner and HHS counselor Maggie Wynne. The exchange was one of many charged moments on Tuesday. During the hearing, Trump administration officials drew clear distinctions about each agency's role in the controversial "zero tolerance" immigration policy that resulted in separating thousands of children from their families – seemingly punting responsibility on the different facets of the policy which continues to have repercussions nearly a year later.

House Judiciary Committee Chairman Jerry Nadler kicked off the hearing by slamming the administration. "When a stranger rips a child from a parent's arms without any plan to reunify them, it is called kidnapping," he said. House Democrats have long denounced "zero tolerance," which called for the criminal prosecution of adults who illegally crossed the border and as a result, separated families. Administration officials explained present day challenges, like an influx in family apprehensions, how the "zero tolerance" policy was rolled out, and defended efforts reunify families. That provided little reprieve to Nadler, who immediately questioned Border Patrol Chief Carla Provost about the consequences of separations. Provost said there were "lessons learned," but also said that it's not Border Patrol's responsibility to reunify families, pointing to the Department of Health and Human Services instead. Health and Human Services, however, did not develop the policy – it was directed by the Justice Department. To that end, Democratic Rep. Hank Johnson asked James McHenry, the director of the Executive Office for Immigration Review, an agency within DOJ, about whether the agency provided any legal analysis on the policy. Johnson said he couldn't "discuss deliberations." Lawmakers repeatedly raised concerns about the tracking of families who had been separated at the US-Mexico border. Lloyd disputed Democratic Rep. Sheila Jackson Lee's claim that children were not being properly tracked. "I wouldn't agree with your characterization that there was not tracking. The tracking that occurred, occurred within our normal case management system," Lloyd said. "Our tracking of the circumstances under which kids come into our care is ongoing." ICE head of Enforcement and Removal Operations Nathalie Asher and DOJ Director of Executive Office for Immigration Review James McHenry also told lawmakers that they did not raise objections to the policy when pressed by Rep. Sylvia Garcia.

Additional reporting: [CNN](#) [2/26/2019 5:34 PM, Priscilla Alvarez, 5847K]

### **Joe Giudice To Be Thrown Behind Bars In ICE Custody Immediately After Prison Release**

[Radar](#) [2/26/2019 3:32 PM, Mary Jacob, 206K] reports that the Real Housewives of New Jersey husband, 46, may never go home to his four children again, as ICE officials revealed exclusively to Radar that they plan on detaining him immediately after he has completed his three-year prison sentence on March 14. "ICE expects the Bureau of Prisons Allenwood Low Federal Correctional Institution to honor our detainer, and Mr. Guidice will be taken into ICE custody," an official told Radar. As Radar was very first to report, a judge ruled in October Joe must be deported to his native Italy for his multiple fraud-related crimes. Joe's legal team fought the decision the following month, and his appeal is currently pending. Though he technically completes his sentence in two weeks, he will promptly be handed over to immigration officials, and placed in a detention center.

Reported similarly: [Inquisitr](#) [2/26/2019 7:39 PM, Kristine Lofgren, 320K]



## Policy and Legislative News

### House passes bill rejecting Trump's border wall emergency

[Reuters](#) [2/26/2019 7:03 PM, Susan Cornwell, Richard Cowan] reports that in a stinging rebuke to President Donald Trump, the House of Representatives on Tuesday brushed aside veto threats and passed legislation to terminate the emergency he declared at the U.S.-Mexico border in order to build a wall there. By a vote of 245-182, the House passed the resolution, setting up a vote in the Republican-controlled Senate where the resolution's chances were slimmer, but seemed to be improving. While passage was a victory for Democratic House Speaker Nancy Pelosi, the tally was short of what she would likely need to override a possible veto by Republican Trump. Only 13 Republicans supported the move to stop the president's declaration. The White House formally notified Congress, as expected, that if the measure passes Congress, Trump's advisers would recommend that he veto it in order to maintain the power he activated on Feb. 15 as a way of circumventing Congress. A Trump veto would be the first of his presidency and the first since Republicans lost majority control of the House in last November's congressional elections. Overriding such a veto in Congress would require two-thirds majorities in both chambers, making it highly unlikely, said lawmakers. [Editorial note: consult source link for video]

Additional reporting:

[New York Times](#) [2/26/2019 2:00 PM, Emily Cochrane, NY]

[Politico](#) [2/26/2019 6:43 PM, Sarah Ferris]

[Wall Street Journal](#) [2/26/2019 9:18 PM, Joshua Jamerson and Kristina Peterson]

[Law360](#) [2/26/2019 8:45 PM, Michael Macagnone]

[Washington Times](#) [2/26/2019 1:35 PM, Stephen Dinan, 527K]

### The Latest: McConnell won't 'handicap' Senate border vote

[Washington Post](#) [2/26/2019 3:08 PM, Associated Press] reports Senate Majority Leader Mitch McConnell says he can't say whether the Republican-controlled Senate will approve a resolution to block President Donald Trump's emergency declaration on immigration. The Kentucky Republican told reporters he "couldn't handicap" the outcome of the vote. Three Republican senators — Susan Collins of Maine, Thom Tillis of North Carolina and Lisa Murkowski of Alaska — have said they will vote against Trump. If one more Republican joins them, the resolution disapproving of Trump's order would likely pass. The president has said he would veto the measure. McConnell said Republicans had a "fulsome" discussion about Trump's order at their private lunch Tuesday, which was attended by Vice President Mike Pence and a Justice Department lawyer. The House is expected to pass its resolution disapproving of Trump's order on Tuesday afternoon.

### Trump's top Border Patrol official explains the two crises America faces at the border

[Washington Examiner](#) [2/26/2019 7:36 PM, Anna Giaritelli, 629K, DC] reports that America is facing a security and humanitarian crisis at the southern border even though apprehensions are down compared to 20 years ago, President Trump's top border official insisted to Congress Tuesday. "There is an ongoing debate as to whether this constitutes a border security crisis or a humanitarian crisis. Let me be clear, it is both," Border Patrol Chief Carla Provost testified in the House Judiciary Committee. Her testimony backs up the view of Trump, who has said a crisis exists that requires him to claim billions of unused federal dollars to build a border wall between the U.S. and Mexico. Provost said the type of person being caught at the border today has different needs and is taking up more agency



resources than a person they used to arrest. Decades earlier, most of those apprehended were adult Mexican citizens who would typically be taken into custody, documented by Border Patrol and then turned over to Immigration and Customs Enforcement's Enforcement and Removal Operations office for immediate deportation. More recently, the number of Central American children or families arriving at the border have crept up to more than half of all apprehensions. Because the children are from countries other than Mexico and Canada, they are protected by a 2008 trafficking law that mandates they cannot be immediately removed, she explained. The 2,000 people being arrested daily cannot be referred for immediate deportation because so many are families who are claiming asylum after illegally entering. A small portion of immigrants who illegally enter then claim asylum are also asking for medical care and must be taken to local medical centers. Provost said about 5,000 of her 20,000 agents are no longer manning the U.S.-Mexico border because they are instead needed to transport and care for illegal immigrants in need of medical care.

Reported similarly: [Independent Journal](#) [2/26/2019 3:19 PM, Madison Dibble, 43K, GA]

### **House targets family separations in first Trump subpoena**

[Washington Post](#) [2/26/2019 4:40 PM, Colleen Long] reports a House committee voted Tuesday to subpoena Trump administration officials over family separations at the southern border, the first issued in the new Congress as Democrats have promised to hold the administration aggressively to count. The decision by the Oversight Committee will compel the heads of Justice, Homeland Security and Health and Human Services to deliver documents to lawmakers. The committee's chairman, Democratic Rep. Elijah Cummings of Maryland, has pledged to press the administration for documents and testimony on a wide swath of issues, but family separation was among his first priorities. The Oversight Committee is seeking details on the children separated, location and facilities where they were held, details on their parents, information on efforts to restore children to their parents and whether parents were deported. A Homeland Security spokesman said the department had already sent over 2,600 pages in response to the request. "Today's unnecessary subpoena vote was a political stunt and contrary to the constitutionally mandated accommodation process," said spokesman Tyler Houlton. "We have worked with congressional committees in good faith and will continue to do so. We hope they will return the favor and respect the process and the men and women of DHS."

The [Wall Street Journal](#) [2/26/2019 4:06 PM, Natalie Andrews and Louise Radnofsky] reports at a House Judiciary Committee hearing also on Tuesday, Democratic lawmakers questioned top officials from the U.S. Border Patrol, Immigration and Customs Enforcement, the Justice Department and HHS over the implementation of the policy, including which officials were aware of it and the preparations they made. Democrats described the policy as "barbaric," "scandalous" and undermining the U.S.'s "moral standing in the world." Lawmakers and officials also sparred over allegations of sexual assault against immigrant minors while in government custody. Rep. Ted Deutch (D., Fla.) said that documents from HHS and the Justice Department indicated more than 1,000 allegations reported in each of the past two years. Jonathan White, a commander in the U.S. Public Health Service Commissioned Corps who was testifying about the administration's care for unaccompanied children and reunification efforts, said that Mr. Deutch was incorrect to accuse HHS employees, rather than contractor staff, of committing abuse.

Additional reporting:

[New York Times](#) [2/26/2019 8:16 PM, Glenn Thrush, 20737K]



[The Hill](#) [2/26/2019 2:04 PM, Rachel Frazin, 3038K]  
[Huffington Post](#) [2/26/2019 7:39 PM, Angelina Chapin, 6834K]  
[FOX News](#) [2/26/2019 1:48 PM, Brooke Singman, 9216K]  
[USA Today](#) [2/26/2019 2:59 PM, Alan Gomez]  
[Washington Examiner](#) [2/26/2019 11:12 AM, Anna Giaritelli, 629K, DC]  
[Washington Times](#) [2/26/2019 5:47 AM, Stephen Dinan, 527K, DC]  
[KTLA-TV 5](#) [2/26/2019 2:04 PM, Staff, 267K, CA]

### **At least 4,500 abuse complaints at migrant children shelters**

[Washington Post](#) [2/26/2019 9:48 PM, Colleen Long] reports that thousands of accusations of sexual abuse and harassment of migrant children in government-funded shelters were made over the past four years, including scores directed against adult staff members, according to federal data released Tuesday. The cases include allegations of inappropriate touching to staff members allegedly watching minors while they bathed and showing pornographic videos to minors. Some of the allegations included inappropriate conduct by minors in shelters against other minors, as well as by staff members. From October 2014 to July 2018, the Office of Refugee Resettlement, a part of Health and Human Services, received 4,556 complaints, including allegations of sexual abuse, harassment and inappropriate behavior. Of those, the Justice Department received 1,303 more serious sex abuse complaints, including 178 allegations of sexual abuse by adult staff, officials said. Department officials said the majority of allegations weren't substantiated, and they defended their care of children. They also noted the accused staff members were not employees of the department. "We share the concern," said Jonathan White, a Health and Human Services official who was in charge of the effort to reunify children with their parents, testifying before the House Judiciary Committee. "Any time a child is abused is one time too many. We abide fully with the laws this Congress has passed, and we are very proud of our outstanding track record of full compliance including referring every allegation for investigation."

Additional reporting:

[Washington Post](#) [2/26/2019 5:44 PM, Colleen Long]  
[The Hill](#) [2/26/2019 3:33 PM, Nathaniel Weixel, 3038K]  
[NPR](#) [2/26/2019 7:40 PM, Richard Gonzalez]  
[New York Magazine](#) [2/26/2019 6:22 PM, Opheli Garcia Lawler, 1824K, NY]  
[Newsweek](#) [2/26/2019 5:27 PM, Nicole Goodkind, 2656K]  
[Law360](#) [2/26/2019 9:26 PM, Nicole Narea]  
[Breitbart](#) [2/26/2019 3:15 PM, Bob Price, 2015K]  
[Washington Times](#) [2/26/2019 7:33 AM, Stephen Dinan, 527K, DC]  
[Bustle](#) [2/26/2019 5:00 PM, Seth Millstein, 2683K]

### **Missing from Trump's wall war: What immigration hawks really want**

[Politico](#) [2/26/2019 6:34 PM, Nancy Cook and Gabby Orr] reports President Donald Trump sees his border wall crusade as a base-pleasing 2020 campaign asset, proof that he is the ultimate immigration hardliner. But his wall may not be built for years, if ever. In the meantime, Trump has yet to deliver on several other campaign promises that immigration hawks call far more important. "Immigration restrictionists understand that things like catch and release, the visa lottery, and legal immigration numbers all matter more than building the wall," said one former Trump administration official. To many conservatives, the real work of permanently deterring illegal immigrants comes from the overloaded and



overlooked immigration court system and within sanctuary cities, communities that have intentionally limited their cooperation with federal immigration officials. Trump promised and then failed to strip sanctuary jurisdictions of taxpayer dollars after being blocked in federal court, and any mentions of employment authorization have all but disappeared from his immigration speeches. Lower-profile court decisions have blocked the Trump administration's attempts to advance immigration hawks' agenda, particularly on punishing sanctuary cities. Federal judges in Northern and Southern California, Chicago, Philadelphia, and three federal appeals courts have rejected the administration's argument that it can add new criteria for awarding taxpayer-funded grants without congressional approval. And because of a nationwide injunction barring the administration's attempt to rewrite the rules for these funds, Homeland Security Secretary Kirstjen Nielsen relented and awarded \$1.7 billion in grants last May to numerous sanctuary localities. The primary area where Trump's illegal immigration policies have had an indisputable impact is interior enforcement. The Immigration and Customs Enforcement division that apprehends people in the U.S. unlawfully made 143,470 arrests in 2017, a 30 percent rise from 2016. Immigration hawks also commend the administration for its moves to drastically reduce the number of legal immigrants coming into this country through tweaks to the visa programs, and caps on refugee programs through the State Department.

### **Gov't Backs States' DACA Challenge, But Not An Injunction**

[Law360](#) [2/26/2019 2:00 PM, Suzanne Monyak] reports the federal government on Monday mostly sided with a coalition of states' challenge to the Obama-era Deferred Action for Childhood Arrivals program, asking a Texas federal court to rule that the deportation relief policy is illegal but to refrain from halting the policy, in light of conflicting orders in other courts. In a response brief, the U.S. Department of Justice said the Texas-led coalition of nine states are entitled to summary judgment on their claim that DACA, which gives work permits and deportation relief to qualified immigrants brought to the U.S. as children, is out of step with federal immigration law, in violation of the Administrative Procedure Act. But the government asked U.S. District Judge Andrew S. Hanen to hold off on handing down an order revoking DACA entirely, noting that such an order would be at odds with injunctions issued by federal judges in New York and California blocking the government from rescinding the program. Both the Mexican American Legal Defense and Education Fund and the New Jersey attorney general's office have joined the litigation in support of DACA. The states have also leaned heavily on Judge Hanen's 2015 decision — which was affirmed by the Fifth Circuit — blocking an expansion of DACA as well as the implementation of a second program, known as Deferred Action for Parents of Americans, that would have carved out protections for the parents of U.S. citizens and permanent residents.

### **Mexico Is Now Trapping Migrants Before They Can Even Reach the US Border**

[VICE](#) [2/26/2019 1:50 PM, Justin Glawe] reports that when the migrants left Honduras they had one goal in mind: Get to Piedras Negras, just across the border from Eagle Pass, Texas, and apply for asylum in the US. In front of them were thousands of miles of Mexico, and a new system of background checks and visas introduced in late January by the Mexican government. What they didn't know is that a third impediment to exercising their legal right to claim asylum stood in their way: the Mexican government itself. Under its new president, Andrés Manuel López Obrador, Mexico has been speeding up approval of "humanitarian visas" granted to migrants who pass background checks, a way to encourage them to stay and work in Mexico rather than continuing north. But even after receiving



documents that were supposed to allow them to travel freely, some of the Honduran migrants held until recently at a makeshift shelter in Piedras Negras say they remained under armed guard. "It's not that Piedras Negras is the very first time that the Mexican police have cooperated with US immigration authorities. It's that what we saw there is just a really egregious development of what they've done previously," said Stephanie Leutert, director of the Mexico Security Initiative at the University of Texas at Austin.

The migrants waiting in Tijuana and elsewhere are a direct product of Trump administration policies that result in bottlenecks at ports of entry, Leutert said. By the time migrants arrived in early February, US Customs and Border Protection (CBP) was processing about a dozen asylum claims a day at Piedras Negras. At the time, about 120 migrants were waiting to claim asylum, Leutert reported in her ongoing study of asylum claims and other border migration issues. With the arrival of nearly 2,000 migrants in Piedras Negras, the wait times skyrocketed accordingly, from a few weeks to as long as six months. If the goal is to deter migrants from even coming to the border to seek asylum, it's having two effects, Leutert and Rivano Barros said. First, migrants are avoiding busy ports of entry like Tijuana and Juarez and crossing in more obscure locations. Secondly, they're crossing between ports of entry, either across rivers or through the desert. In a single day in mid-February, authorities in Sunland Park, New Mexico, just outside El Paso, apprehended more than 600 migrants crossing a desert pass there.

#### **Experts predict more Venezuelans to seek asylum in US**

[CBS 4](#) [2/26/2019 1:50 PM, Clara Benitez, TX] reports the crisis in Venezuela has US leaders asking for a peaceful transition to democracy. As Maduro's regime continues, experts say it is likely we will see more Venezuelans on our Southern border. Over the weekend Venezuelans were met with rubber bullets and tear gas trying to reach US humanitarian aid. "These men worked to block aid for people in need and suppress peaceful protest, while their tyrant danced in Caracas," said Vice President Mike Pence in Colombia as he met with Guaido to discuss new Venezuelan Sanctions. Border patrol agents in the Rio Grande Valley sector have identified Venezuelan families trying to seek asylum. "These family groups said they left the day before the border was closed, they said Colombia is simply not letting cross into the border. They crossed into Colombia visitors and then after that and traveled up to the United States," said Melissa Lucio, Border Patrol Agent in Charge for McAllen Station.

#### **[MA] Boston ICE chief: We only target 'worst of the worst'**

[Boston Herald](#) [2/27/2019 4:43 AM, Sean Philip Cotter, 155K, MA] reports that Boston ICE chief Todd Lyons pushed back against proponents of "sanctuary city" policies, saying his immigration-enforcement organization needs the cooperation of local law enforcement to get its targets: illegal immigrants who commit crimes here. About 50 people turned out to the meeting in an Elks Lodge to hear a conversation between Lyons and Jessica Vaughan of the Center for Immigration Studies, which opposes illegal immigration. Lyons said his organization is focusing on catching illegal immigrants, often in Lawrence and Lowell, who are committing crimes - and not ones who aren't. "We have to go ahead and look at what the public safety threat is. You hear it in the news -- heroin and fentanyl and gangs. We'd much rather focus our resources on that." Lyons said the New England Immigration and Customs Enforcement office that he runs has 78,000 people in immigration proceedings -- suspected illegal immigrants -- though only 600 are ICE detainees.



**[PA] Dush challenges governor on police handling of illegal immigrants**

[Indiana Gazette](#) [2/26/2019 2:35 PM, Patrick Cloonan, 2K, PA] reports an area lawmaker said instructions given by the Wolf administration to the state police "forces our troopers to make Pennsylvania a de-facto sanctuary state," a statement that a spokesman for Gov. Tom Wolf was quick to dispute. "We learned that the Pennsylvania State Police have been instructed not to enforce federal Immigration and Customs Enforcement warrants," state Rep. Cris Dush, R-Brookville, posted on Facebook. "The reason given was that if they detain the individuals there is a time constraint within which they must release the individuals under the law if they cannot be transferred to ICE." The governor's office referred an Indiana Gazette inquiry to state police Communications Director Ryan Tarkowski, who said a policy developed over the past 18 months does not establish "sanctuary" for undocumented foreign nationals who are subjects of criminal warrants; or suspects in criminal investigations. But Administrative Regulation 7-14 does establish that there's a difference between detaining someone on an administrative warrant and having a criminal warrant. AR 7-14 "affirms the ability of a trooper to use all available tools to positively identify a foreign national during the course of a traffic stop, arrest, or lawful detention," Tarkowski said. "If a foreign national is taken into custody for a criminal warrant, traffic warrant, or criminal immigration warrant, ICE will be notified of the detention facility where the individual is being housed." The regulation also details the rights of detained foreign nationals to notify their government of their detention.

**[PA] Feds blame Philly's sanctuary city policy – again – for child rape**

[Metro](#) [2/26/2019 3:26 PM, Sam Newhouse, 82K, PA] reports William McSwain, the U.S. Attorney for the Eastern District of Pennsylvania appointed by President Donald Trump, claimed again on Tuesday that Philly's sanctuary city policies led to the rape of a child. Rapist Juan Ramon-Vasquez, 50, a Honduran national who was previously convicted and sentenced to eight to 20 years in state prison, was sentenced Tuesday to 21 months in federal prison for illegally re-entering the US after being deported, McSwain's office announced. The feds in their announcement of the sentence harshly criticized Philadelphia's sanctuary city policies - saying Ramon-Vasquez, also known as Ramon Aguirre-Ochoa, raped a girlfriend's 5-year-old daughter after being released from city custody in 2014 due to Philly's controversial sanctuary city policy. ICE officers discovered he was back in the U.S. in March 2014, when Ramon-Vasquez was reportedly in custody in a Philadelphia prison. Philadelphia released him, despite a detainer requesting the city to hold him until ICE could take him into custody, due to the city's sanctuary city policies. "ICE attempted to remove Ramon-Vasquez once before in March 2014, but the City of Philadelphia refused to honor our detainer and he was released back into the community," Simona L. Flores, field office director for ICE's Enforcement and Removal Operations office in Philadelphia. "If the ICE detainer had been honored by local law enforcement, this crime never would have happened, and the victim -- an innocent child -- would have been spared horrendous physical and mental trauma," McSwain continued.

**[NC] Another North Carolina sheriff to reject ICE detainees**

[Washington Times](#) [2/26/2019 1:36 PM, Associated Press] reports another sheriff in North Carolina says he will no longer honor detainees for U.S. Immigration and Customs Enforcement. News outlets report Buncombe County Sheriff Quentin Miller told reporters on Tuesday that holding people suspected of being in the country illegally "is not part of our law enforcement duties." The sheriff said if federal agencies provide a valid criminal warrant, that person will be handed over to the respective agency. Miller says it's vital that



local immigrants can call the sheriff's office without fear when they need help. In December, Wake and Mecklenburg counties pulled out of the federal 287(g) program, in which local law enforcement agencies check the immigration status of people they've arrested. Durham County hasn't participated in 287(g), and has said it will no longer honor ICE detainers.

[WYFF](#) [2/26/2019 1:20 PM, Staff, 62K, SC] reports ICE claims lack of participation in (287)g will cause more immigration arrests ICE Southern Region Communications Director Bryon Cox released a statement Tuesday saying: "ICE places detainers on individuals who have been arrested on local criminal charges and who are suspected of being deportable, so that ICE can take custody of that person when he or she is released from local custody. When law enforcement agencies fail to honor immigration detainers and release serious criminal offenders onto the streets, it undermines ICE's ability to protect public safety and carry out its mission. Any local jurisdiction thinking that refusing to cooperate with ICE will result in a decrease in local immigration enforcement is mistaken. Local jurisdictions that choose to not cooperate with ICE are likely to see an increase in ICE enforcement activity, as in jurisdictions that do not cooperate with ICE the agency has no choice but to conduct more at-large arrest operations. A consequence of ICE being forced to make more arrests on the streets is the agency is likely to encounter other unlawfully present foreign nationals that wouldn't have been encountered had we been allowed to take custody of a criminal target within the confines of a local jail."

The [Asheville Citizen-Times](#) [2/26/2019 12:08 PM, Sam DeGrave, 39K, NC] reports during the first week of February, ICE agents arrested more than 200 people concentrated mainly in the state's two most populous counties, both of which had recently severed their 287g agreements with the federal agency. Those agreements essentially deputized local detention officers, giving them the ability to handle some immigration matters pertaining to inmates and allowing ICE a greater foothold in county jails. At a Feb. 8 press conference after the arrest operation, Sean Gallagher, director of ICE's operations in Georgia, South Carolina and North Carolina, said his agency had no choice but to step up at-large enforcement efforts after the recently elected sheriffs of Mecklenburg and Wake counties cut ties with ICE.

Reported similarly: [WLOS](#) [2/26/2019 3:49 PM, Kristy Kepley-Steward and Frank Kracher]

### **[FL] DeSantis calls for local, federal governments to work closely to fight illegal immigration**

[CBS10](#) [2/26/2019 3:49 PM, Tim Chong, FL] reports Gov. Ron DeSantis pressed for closer efforts between federal and local governments to take on immigration issues in Florida during a visit to Hernando County. The governor spoke at a news conference with Hernando County Sheriff Al Nienhuis and Pasco Sheriff Chris Nocco. The governor said he understands there are different views on immigration, but he said he didn't know "why, if somebody is here illegally, and they become in our justice system, why we wouldn't want to do everything we can to cooperate with federal authorities so those individuals can be returned to their home countries rather than released, back on the street where, as we've seen, we can have victims in our own community." Nienhuis said Hernando is one of five counties that are now training deputies as ICE agents who can go into the national database and check on their immigration status. DeSantis also said there need to be laws to prevent communities from declaring themselves sanctuary cities. "You should not be able just to flaunt federal law," he said. He said any future crimes committed by someone protected by a sanctuary city "could have, by definition, be prevented."



[NBC 8 Tampa](#) [2/26/2019 5:25 PM, Ryan Hughes, 90K, FL] reports grieving families, who lost loved ones at the hands of illegal immigrants, showed their support for a program that would train sheriff's deputies in Florida to serve as immigration officers. Vicki Lyon's daughter died in 2001 and authorities said an undocumented immigrant caused the crash. "This has got to stop," Lyon said Tuesday. "We got to get behind our governor and our sheriff's departments. We got to get these laws straightened up," she said. Gov. Ron DeSantis, (R) Florida, joined the sheriffs of Hernando and Pasco Counties to announce the use of local deputies as immigration officers. "When you have someone in their custody and they're not here legally, it makes sense to work with federal officials to make sure they're not released back into society," the governor said. The Hernando County Sheriff's Office is one of five in Florida taking part in the 287-g Program. Others hope to join so. Gov. DeSantis said he hopes to soon apply the program to the state prison system where roughly 4,500 illegal immigrants are housed. [Editorial note: consult source link for video]

Reported similarly: [Orlando Sentinel](#) [2/26/2019 6:05 PM, Bianca Padró Ocasio, 170K, FL]

#### **[FL] Five Sheriffs in Florida Join Forces With ICE Agents**

[WJCT-FM](#) [2/26/2019 5:34 PM, Kerry Sheridan, 4K, FL] reports local law enforcement in five parts of Florida have reached agreements to work with federal agents by detaining suspected criminals longer if they are in the country illegally. Hernando County Sheriff Al Nienhuis said Tuesday his deputies are now trained to help Immigration and Customs Enforcement as part of a program called 287(g). "I am happy to report that earlier this month the Hernando Co Sheriff's office actually went live as one of only five counties in the state to become qualified in the program, 287(g)," Nienhuis said at a press conference. He was joined by Governor Ron DeSantis and relatives of two people who were killed by undocumented immigrants. Under the program, if someone is arrested, deputies can search a federal database for their immigration status and see if they are eligible to be deported. DeSantis urged more sheriffs to do the same, and also asked the state legislature to send him a bill that would eliminate sanctuary cities. Other jurisdictions in Florida that have signed agreements with ICE include Jacksonville, as well as Pasco, Collier, and Clay Counties.

#### **[AR] Senator proposes legislation to punish 'sanctuary' cities**

[Arkansas Times](#) [2/26/2019 11:55 PM, Max Brantley, 26K, AR] reports Sen. Gary Stubblefield has introduced expected legislation to prohibit "sanctuary" policies by Arkansas cities. Among others, the proposal says a city may not adopt a policy that, "restricts or imposes any conditions upon the municipality's cooperation or compliance with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of an immigrant or to transfer an immigrant to the custody of United States Immigration and Customs Enforcement; Requires United States Immigration and Customs Enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of an immigrant or to transfer an immigrant to the custody of United States Immigration and Customs Enforcement." The Little Rock City Board is to consider tonight putting on its agenda next week a resolution proposed by City Director Lance Hines which says the city agrees to abide by law regarding immigrants.



## **[TX] 'Dragtavists' protest the border wall in Texas — and yes, there was a musical number**

[Star-Telegram](#) [2/26/2019 2:00 PM, Matthew Martinez, TX] reports a group of Texas drag queens gathered at a section of border wall outside Brownsville over the weekend and threw a protest. Drag queens from throughout the Rio Grande Valley traveled to attend the protest, which doubled as a fundraiser, NBC News reported. All funds donated to the group during Saturday's protest performance would be passed on to LGBTQ asylum-seekers entering the U.S., Lestrangle wrote on the Facebook event page. Beatrix Lestrangle, organizer of the No Border Wall Drag Show and Brownsville resident, calls herself, and the people who protest with her, "dragtavists" because they use their platform as a performer to engage in social activism, NPR reported. The gathering just feet from an already existing border wall structure was meant to draw attention to the group's position that there is no national emergency or immigration crisis at the southern border, and to voice opposition to the installation of any additional border wall structure in the area. The drag queens raised about \$650 in two hours, according to TPR.

## **Legal News**

### **Is Trump Making It More Difficult For Migrants To Access Legal Services?**

[WBUR](#) [2/26/2019 5:00 AM, Laura Murray-Tjan, 271K, MA] reports as an immigration lawyer, I have long viewed Tijuana, Mexico, as a pitiless last stop for migrants seeking refuge in the United States. A cartel-plagued, homicide-heavy metropolis, Tijuana presents a serious risk of violence to migrants trekking towards one of San Diego's ports of entry -- which itself often results in arrest or rejection by border officers. My learned shudder towards Tijuana means I never envisioned the opposite scenario: U.S. citizens being detained and turned away at the Mexican border. Yet on February 1, 2019, immigration attorney Erika Pinheiro was detained by Mexican authorities while attempting to cross into Tijuana by foot and forced to return to the United States. On the same day, her colleague Nora Phillips was detained in Guadalajara, Mexico, after flying from the United States for vacation. Phillips and her 7-year-old daughter were held for nine hours, without food, before being forced onto a flight back to Los Angeles. News of the attorneys' removals spread like wildfire through the immigration law community, as their tireless assistance to migrants in Tijuana has lent them an almost folk-hero status. To date, there has been no explanation from either the U.S. or the Mexican government as to what triggered the rejections. Neither attorney has been accused of any legal violation. Thus far, the public is left with no explanation other than the one Mexican officials gave to Phillips and Pinheiro: Interpol flagged their passports. The attorneys are directors at a nonprofit, Al Otro Lado, that sued the Trump administration in 2017 claiming human rights abuses at the border. (The suit remains pending.) In December 2018, Phillips brought members of Congress to a U.S. port of entry so they could observe border agents turning asylum-seekers away. Such endeavors threaten to reveal the administration's efforts to trample on migrants' legal rights; and neither was flattering to Trump.

The catch for the Trump administration is that it needs Phillips, Pinheiro and like-minded attorneys for its stated policy to achieve any measure of credibility. Under the Migrant Protection Protocols (MPP) released by the administration in January — commonly referred to as the "Remain in Mexico" policy — migrants seeking asylum at the U.S. border are returned to Mexico to await their hearings in U.S. immigration court. Homeland Security Secretary Kirstjen Nielsen has made clear that, under the MPP, it is Mexico's job to ensure



that migrants are able to meet with lawyers during the days and months before court appearances. Although the policy carefully takes the burden off of the United States, if the Trump administration was involved in the immigration attorneys' banishment from Mexico, this gives the lie to the administration's already thin claim that the MPP is in migrants' best interests. Certainly, the administration's silence on the reason for the expulsions, despite media inquiries -- has the whiff of at least tacit consent. The MPP has already come under attack for violating U.S. statutes and international human rights law by squelching refugees' ability to lodge asylum claims. Discouraging free legal services makes matters worse. There have been enough volunteer attorneys flowing to Tijuana to maintain a pretense that lawyers are accessible. But the banishment of Phillips and Pinheiro, who previously led such efforts, is gratuitous enough to blow the MPP's already flimsy cover.

**[TN] Bean Station ICE raid: Workers want fast track for lawsuit against Trump admin**

[Knox News](#) [2/27/2019 5:00 AM, Matt Lakin, TN] Seven former East Tennessee slaughterhouse workers want to step up the pace on their lawsuit against the federal immigration agents who arrested them before the legal clock runs out - and before anymore of their former co-workers can be deported. The workers sued the U.S. Bureau of Immigration and Customs Enforcement last week, saying agents cursed, shoved and punched unarmed workers during the April 5 raid on the Southeastern Provision meatpacking plant on Helton Road in Bean Station. The lawsuit names nine agents and seeks class-action status for all workers arrested in the raid. Attorneys for the workers filed a motion Tuesday in U.S. District Court asking that a judge order ICE officials to turn over the names of all other agents - and officers from other agencies - who took part in the raid within the next couple of weeks so they can be added as defendants in the lawsuit. Meanwhile, deportation proceedings have begun for some workers. "This information is solely in ICE's possession," John Farringer, one of the attorneys for the workers, wrote. "Every apparent mention of a federal agent involved in the raid is redacted (from public records turned over so far). The identities of the federal agents present at the raid on April 5 is a closed universe of information." About 40 of the workers held in the roundup have come home on bond to await uncertain fates as their cases wind through federal immigration court. Five remain jailed in out-of-state detention centers. The rest have either left the U.S. voluntarily or are in the process of deportation. "Once all pending matters are resolved there may be other exemptions," Catrina Pavlik-Keenan, an ICE freedom of information officer, wrote. ICE hasn't filed a response to the workers' claims yet. A spokesman said the agency doesn't comment on lawsuits.

**[FL] 11th Circ. Won't Shield Loan Shark Victim From Deportation**

[Law360](#) [2/26/2019 4:42 PM, Suzanne Monyak] reports the Eleventh Circuit on Tuesday refused to stop the deportation of a Florida man who claims he would likely be harmed by loan sharks if returned to Brazil, reasoning that loan shark victims do not fall into a protected class under the federal immigration statute. In an unpublished opinion, the three-judge panel upheld a Board of Immigration Appeals' decision dismissing Sergio Eduardo Rodrigues' appeal, leaving in place an immigration judge's finding that he does not qualify for a withholding of removal or protection under the United Nations Convention Against Torture. The panel was unconvinced by Rodrigues' claim that he is entitled to deportation relief because he was persecuted based on his membership in a "particular social group" — described as loan shark victims whom "the authorities will or do not protect" — saying that this group does not qualify under the language in the Immigration and Nationality Act. The panel also found Rodrigues' descriptions of threats he received from the loan sharks when



he was unable to pay them back involved "only verbal threats" as well as theft, which does not constitute past persecution. Rodrigues had failed to show he would "more likely than not" be persecuted in Brazil, the standard required for a withholding of removal and CAT relief, the panel said. Rodrigues then appealed to the BIA, which agreed with the immigration judge's assessment. Rodrigues then filed his appeal to the Eleventh Circuit in March.

### **[MN] Ramsey County, St. Paul to partner on immigrant defense fund**

[Star Tribune](#) [2/27/2019 1:33 AM, Shannon Prather, MN] reports Ramsey County and St. Paul are joining forces to create an immigrant legal defense program, citing community need and suffering as a result of more aggressive enforcement under the Trump administration. County commissioners on Tuesday unanimously approved creation of the fund in partnership with the city, pledging \$100,000 toward the program. Meanwhile, the City Council will consider contributing \$50,000 at its meeting Wednesday. Minnesota and four surrounding states have seen removals by U.S. Immigration and Customs Enforcement agents nearly double in two years' time, to 3,423 in 2018. St. Paul City Attorney Lyndsey Olson said that both the city and county were looking for ways to support immigration services, "so it seemed natural for us to come together and discuss ways to partner on that." Olson added that St. Paul is in the process of hiring a full-time immigration support services attorney who will advise city officials on immigration issues and be the point person for the collaboration with the county. Last spring, the Hennepin County Board voted 4-3 to allocate \$275,000 to a new immigrant defense fund. Unlike criminal court proceedings, there is no legal right to counsel in immigration court. About one-third of immigrants nationwide were represented by attorneys in 2017, according to New York-based nonprofit Vera Institute of Justice.

## **Enforcement News**

### **Did ICE ignore health and safety standards for jailed immigrants?**

[Washington Post](#) [2/26/2019 5:32 PM, Joe Davidson, 9763K] reports did Immigration and Customs Enforcement turn a blind eye to abusive conditions confronting thousands of immigrants jailed without being convicted of a crime? Apparently so, according to a report by the Department of Homeland Security's Office of Inspector General. Instead of using all the tools available to hold operators of immigrant detention facilities accountable for rampant health and safety violations, ICE did not impose financial penalties when it could have. Agency officials gave operators a pass in many cases by allowing them to avoid inmate facility requirements, the inspector general found. The inspector general's review determined "ICE does not adequately hold detention facility contractors accountable for not meeting performance standards." Despite a failure to meet the standards in thousands of documented cases, "between October 1, 2015, and June 30, 2018, ICE imposed financial penalties on only two occasions," according to the report. ICE essentially told jailers who failed to meet it standards -- no problem. "Instead of holding facilities accountable through financial penalties," the inspector general added, "ICE issued waivers to facilities with deficient conditions, seeking to exempt them from having to comply with certain detention standards." ICE argues that the report provides a misleading picture. They disagree with some findings and insisted contracting tools are not the only means of holding jailers responsible. "U. S. Immigration and Customs Enforcement remains committed to providing a safe and secure environment for all those in its custody," ICE spokesman Matthew Bourke said by email. "ICE has a strong record of holding detention facilities accountable



when deficiencies are identified. If the provider is not performing or is performing below standards or expectations, ICE can terminate the agreement or reduce the population levels immediately. This is a very powerful tool to ensure compliance and to hold a contractor accountable." A response included in the report from Stephen A. Roncone, ICE's chief financial officer, also was not definite. "There are multiple facilities where ICE terminated the agreement, removed all detainees from the facility, or scaled back its usage of the facility based on non-compliance issues," he wrote. "This is an effective tool to hold a contractor accountable."

**[MA] Falmouth MAGA hat showdown ends with ICE arrest**

[Boston Herald](#) [2/26/2019 3:33 PM, Howie Carr, 155K, MA] reports the woman who was arrested in Falmouth on Feb. 15 for allegedly assaulting a 23-year-old Mashpee man wearing a MAGA hat was again arrested Monday, this time by U.S. Immigration and Customs Enforcement as an illegal immigrant from Brazil who has been living illegally in the U.S. since overstaying a tourist visa in 1994. ICE spokesman John Mohan said in a statement, "(Rosiane) Santos is currently facing local charges for assault and other offenses. She is presently in ICE custody and has been entered into removal proceedings before the federal immigration courts." The alleged victim, Bryton Turner, a Mashpee man, said in an interview on my radio show last week that in addition to assaulting him as he ate and repeatedly knocking the MAGA cap off his head, the suspect told the bartender, "Poison this kid's drink." "She started to throw a fit and cause a scene. She threw my hat across the bar three or four times before I took the video with my cellphone. I tried to take the video just so she would stop but she didn't." The bartender called 911 and when the cops arrived, he showed them the video. They were escorting the woman out of the bar when she again lunged at Turner, hitting him. In the incident report, Falmouth police described Santos's eyes as "bloodshot and glassy."

Reported similarly:

[The Hill](#) [2/26/2019 6:15 PM, Justin Wise, 3038K]

[FOX News](#) [2/26/2019 3:16 PM, Katherine Lam, 9216K]

[The Daily Caller](#) [2/26/2019 2:55 PM, Grace Carr, 867K, DC]

[Breitbart](#) [2/26/2019 7:19 PM, Katherine Rodriguez, 2015K]

[Washington Times](#) [2/26/2019 9:36 AM, Jessica Chasmar, 527K, DC]

[Washington Examiner](#) [2/26/2019 7:02 PM, Vaishnavi Sharma, 629K, DC]

[CBS Boston](#) [2/26/2019 1:23 PM, Staff, 136K, MA]

**[NY] Queens dad with active green card application detained by ICE while getting coffee: attorney**

[PIX11](#) [2/26/2019 10:26 PM, Jay Dow, 82K, NY] reports that a 48-year-old man had just left his Queens home for coffee when he was detained by Immigration and Customs Enforcement. Zengkui Li lives in Murrury Hill. He's a Chinese-born, Canadian citizen who's been living in the US since 2011, and has an active green card application to remain here. But a decade ago, the Chinese government accused Li of arranging for more than three dozen Chinese nationals to illegally leave China for London. Chinese officials sought out help from Interpol – the international law enforcement agency – to issue a warrant for Li's arrest and extradition back to China – where he could face life in prison. "We don't have an extradition treaty. So, there is absolutely no authority for a US ICE official to apprehend a lawful us resident for China," said family attorney Jean Wang. ICE's zero-tolerance approach to enforcement since President Trump's election argues there are certain



situations and criminal charges that can cancel out an immigrant's protected status.  
[Editorial note: consult source link for video]

**[PA] A rapist central to Philly's sanctuary fight against Trump gets 21 months more for immigration violations**

[The Inquirer](#) [2/26/2019 11:38 AM, Jeff Gammage, 381K, PA] reports an undocumented man who stands as a symbol of the Kenney and Trump administrations' war over the city's sanctuary stance — he sexually assaulted a child after being released from local custody — was sentenced Tuesday to an additional 21 months in prison for immigration offenses. Juan Ramon Vasquez, 50, already serving eight to 20 years for sexually assaulting his girlfriend's 5-year-old daughter, swore to the judge that he would never come back to the United States once he's freed. U.S. District Judge Nitza Quinones Alejandro sentenced Vasquez for reentering the country after having been deported, for which he faced a maximum of two years. She ruled that the sentence be served consecutively, meaning Vasquez will be turned over to federal custody at the end of his state prison sentence. After that he'll be deported to Honduras, his homeland. The Kenney and Trump administrations continue to battle in court over the city's right to receive federal law-enforcement grants, even if it refuses to help U.S. authorities enforce immigration laws. In June, a federal judge in Philadelphia barred the Justice Department from seeking to compel the city to comply by withholding the grants, and this month the Third Circuit Court of Appeals largely upheld that ruling. A key issue in the case revolves around the city's refusal to honor ICE requests to hold undocumented immigrants who are being released from city jails. City officials say that they will respond to those requests, known as ICE detainers, only if the paperwork is accompanied by a signed arrest warrant from a judge.

Reported similarly: [CBS Pittsburgh](#) [2/26/2019 8:06 PM, Staff, 102K, PA]

**[MD] Undocumented Mother Facing Deportation Allowed To Remain In Maryland For Now**

[CBS Baltimore](#) [2/26/2019 9:09 PM, Mike Hellgren, 49K, MD] reports that Roxana Santos, a mother of four, was allowed to remain in the United States for now after meeting with ICE in Baltimore Tuesday morning. The undocumented immigrant and activist feared she would be deported to El Salvador. She gained notoriety after winning a lawsuit against the Frederick County Sheriff for violations of her civil rights following her detainment more than a decade ago. In 2008, Santos said she was profiled by deputies and arrested while eating a sandwich during her lunch break. Then, in January 2019, during a routine check-in with federal law enforcement in Baltimore, Santos was detained again. Last week, in her first interview following her most recent detention, Santos told WJZ Investigator Mike Hellgren she feared being separated from her children. Through a translator, she said she was also scared of her abusive father in El Salvador if she were forced to return there. Santos' case also highlights disparities in how different places in Maryland enforce immigration law, from Frederick County, where Santos' issues began, to Baltimore City, widely considered a "sanctuary" where officials have welcomed undocumented immigrants.

**[WV] Two foreign nationals sentenced for illegal re-entry**

[Beckley Register-Herald](#) [2/26/2019 6:56 PM, Wendy Holdren, 5K, WV] reports that two foreign nationals previously convicted of re-entry of a removed alien were sentenced Tuesday in Beckley federal court. Heriberto Tadeo, a Mexican national, was sentenced to "time served" and was immediately remanded to ICE authorities for deportation.



proceedings. Tadeo has been in federal custody since October 17, 2018, when he was found in Greenbrier County working at a turkey farm. Tadeo's fingerprints matched him to a single prior encounter in 2016 where he was found in Hidalgo, Texas, illegally and deported from the United States to Mexico. Tadeo illegally reentered the United States a second time prior to his capture in 2018. Wilfredo Artiaga-Mejia, a Honduran national, was sentenced to "time served" and was immediately remanded to ICE authorities for deportation proceedings. Artiaga-Mejia has been in federal custody since August 29, 2018, when he was found in Greenbrier County working at a turkey farm. In 2013, he was also convicted of illegal entry into the United States in U.S. District Court from the Western District of Texas. Artiaga-Mejia illegally re-entered the United States a third time prior to his capture in 2018. Assistant U.S. Attorney Erik S. Goes is responsible for the prosecution of Tadeo and Artiaga-Mejia. U.S. District Judge Irene C. Berger presided over the cases.

### **[NC] Speakers Want More City Support For Immigrants, Amid ICE Arrests**

[WFAE 90.7 Charlotte](#) [2/26/2019 3:38 PM, David Boraks, 11K, NC] report dozens of people packed the city council chamber Monday night calling on the city to do more to show support for the city's immigrant community. Resident Melba Evans questioned why Mayor Vi Lyles had not joined other North Carolina mayors in condemning recent raids by Immigration and Customs Enforcement, that resulted in the arrests of more than 200 people that ICE says are in the country illegally. "Yet you have remained silent," Evans said. "Silence is complicity. Charlotte cannot claim, as you say, to be a welcoming loving community, when you are absolutely silent to families being forced to hide in fear." Sil Ganzó of Charlotte said she works with immigrant children, who are being terrorized by the ICE arrests. [Editorial note: consult source link for audio]

### **[NC] Activists set up hotline to protest ICE arrests Source: WSOC**

[WSOC-TV Charlotte](#) [2/26/2019 5:33 PM, Glenn Counts, 62K, NC] reports activists set up a hotline to protest ICE arrests in Charlotte. The hotline is for people to call when they see an ICE agent make an arrest so activists can respond immediately to protest. Francisco Machuca's family said the 36-year-old man is a good father and hard-working man. "I have to explain to my 8-year-old son his father is in prison again and this time we may never see him again," his wife, Savannah Figueroa, said. ICE agents arrested Machuca Monday for being in the U.S. illegally. Agents said he is the type of person they are targeting. Machuca was picked up on charges of a cold case break-in, robbery, kidnapping and first-degree rape that occurred in 2003, ICE said. The immigrant community has criticized that type of law enforcement. ICE spokesman Bryan Cox said agents are not worried about peaceful protests. "Any action that would cross the line into interfering with law enforcement, officers performing their official duty is a crime and would make those individuals subject to criminal arrest," Cox said. ICE said it only goes after criminals. [Editorial note: consult source link for video]

### **[GA] A Look At The Nuance Of U.S. Immigration Through The Lens Of 21 Savage's Case**

[Vibe](#) [2/26/2019 10:48 AM, Camille Augustin] reports that for nine days, 21 Savage carried out his day-to-day inside a detention center, a timeframe that felt like two months according to his manager, Kei Henderson. The "A Lot" rapper was detained by the Immigration Customs and Enforcement (ICE) in Atlanta, Georgia (Feb. 3) on claims that he's a British citizen who overstayed his visa since migrating to the U.S. city in 2005 at age seven. The detainment occurred when the 26-year-old was pulled over by the Atlanta Police



Department (APD), with ICE in tow. APD claims it had an arrest warrant for rapper Young Nudy, a cousin of 21 Savage who was also part of the artist's entourage at the time of the incident. On Feb. 12, 21 was released on bond until his immigration court case occurs. The most glaring issue is the fact that Abraham-Joseph was not initially granted bond — that discretion is left up to ICE or a judge. The rapper's lawyer Alex Spiro notes that ICE can also attribute past criminal offenses "into their enforcement policies and strategies," when it concerns detainment, but given ICE's controversial statement on Abraham-Joseph, Spiro believes this situation is a "miscarriage of justice, a misuse of resources." Spiro says he can't draw up conclusions or "speak to" ICE's "motivations," noting that there could be varied reasons behind the agency's motion. Here, we look at a few terms and past immigration instances that outline the severity of the country's treatment of migrants and the legislation that can alter the lives of those awaiting legal residence.

The combination of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) allowed the government to separate undocumented immigrants into two sets. According to The Huffington Post, the division is distinctly based off how a migrant entered the U.S. "Removal deportation and the laws that govern it are very complicated. Suffice it to say that we are trying to avoid that," Spiro says concerning Abraham-Joseph's case. It's been stated that Abraham-Joseph has filed for U Nonimmigrant Status or a U Visa in 2017. Spiro notes 21 Savage's application has remained pending for quite some time. Georgia's Irwin County Detention Center is the reported facility where Abraham-Joseph was held. According to Rolling Stone, it's deemed one of ICE's worst immigration centers with multiple reports of sexual assault, abuse of solitary confinement by guards, and expired food being served to detainees. Spiro says Abraham-Joseph's living conditions were "inhumane" and his communication with those on the outside was strictly limited — to have contact with his legal team was a privilege. While Abraham-Joseph was released on bond, his fate is still in the process of being determined by an immigration judge. "There are rules and laws that govern this but at the end of the day ever since he was moving forward with his life as an adult," Spiro says, "he's been dealing with this immigration issue and dealing with it in good faith."

**[MI] Groups want Grand Rapids to fire police captain after racial profiling claim**

[Michigan Live](#) [2/26/2019 12:25 PM, Justin P. Hicks, 480K, MI] reports a pair of activist groups are calling for the city of Grand Rapids to fire one police captain and end all cooperation with U.S. Immigration and Customs Enforcement agents in response to the detainment of a former U.S. Marine late last year. Representatives of Movimiento Cosecha GR and GR Rapid Response to ICE plan to make a list of demands to Grand Rapids city officials Tuesday, Feb. 26, during the 7 p.m. city commission meeting. On Friday, Feb. 22, Interim Police Chief David Kiddle said in a statement that the unnamed officer acted properly when he contacted ICE. Grand Rapids police officials have maintained that ICE was contacted because investigators believed it was a potential act of terrorism. The ACLU said investigators early on dismissed the potential threat and determined that Ramos-Gomez was suffering from post-traumatic stress disorder. Grand Rapids Police Capt. Curt VanderKooi is the department's liaison to ICE. He contacted ICE, according to emails obtained by MLive. The activist groups planning to attend Tuesday's city commission meeting allege that VanderKooi was off duty and contacted ICE "after seeing a picture of Ramos-Gomez on a news story." MLive has been unable to determine if VanderKooi was off duty during the incident. During the last two years, Grand Rapids police officials have said they are here to enforce local and state laws, not federal immigration laws.



**[IL] Dwight delays vote on jail**

[Kankakee Daily Journal](#) [2/26/2019 9:00 AM, David Giuliani, 7K, IL] reports the Dwight village board is delaying until next month a decision on whether to approve an annexation for a proposed immigrant jail. Mayor Jared Anderson confirmed Monday that the board would vote on the private jail at its March 11 meeting. In late 2016, the county entered an agreement with Immigration and Customs Enforcement. In the last fiscal year, the county received \$4.9 million to house ICE detainees, according to records the county released last week. It received another \$6 million to house federal prisoners for the U.S. Marshals Service. In a recent email to the Daily Journal, County Board chairman Andy Wheeler, R-Kankakee, said it was too early to say whether a jail in Dwight would hurt the county's finances. Virginia-based Immigration Centers of America is looking at an 88-acre parcel near Interstate 55 and Illinois Route 17. The center would house men awaiting immigration hearings and visa status determinations. At a Dwight Planning Commission meeting last week, members voted to recommend the village board work with Immigration Centers to place the facility near Dwight, which is 30 miles west of Kankakee.

**[ID] Undocumented immigrant who had sex with a teen girl will likely get probation**

[East Idaho News](#) [2/26/2019 3:32 PM, Eric Grossarth, ID] reports that a man listed for deportation pleaded guilty Monday after a teenage girl told authorities she'd had a sexual relationship with him. Prosecutors will request probation for 24-year-old Luis F. Corona as part of a plea agreement. Corona was facing one charge of sexual battery of a minor child age 16 to 17 years old. District Judge Joel Tingey will decide whether or not to give Corona prison time or probation and how long Corona will spend in prison or on probation. In July, the victim told police she had a number of sexual encounters with Corona. Documents show Corona gave methamphetamine to the victim and took it himself. Over several months, the victim said there were consensual sexual encounters with Corona. But sometimes she would tell him "no." The victim also told detectives Corona was from Mexico and living in the United States illegally. Immigration and Customs Enforcement picked up Corona in January 2018 and scheduled him for deportation, according to court records. When Idaho Falls Police detectives contacted the Department of Homeland Security, they were told he was being held at the Bingham County Jail awaiting trial on prior drug charges.

**[TX] Woman in ICE custody gives birth to stillborn infant**

[ThinkProgress](#) [2/26/2019 12:37 PM, Rebekah Entralgo, 402K] reports a 24-year-old Honduran woman in the custody of Immigration and Customs Enforcement delivered a stillborn child at the Port Isabel Detention Center in Texas on Friday. According to a joint statement Monday from ICE and U.S. Customs and Border Protection, the woman was apprehended by U.S. Border Patrol near Hildago, Texas on February 18. At the time, she told agents she was six months pregnant. While in Border Patrol custody, she passed two medical screenings and was cleared for release on February 21. The next day while being processed for release, the woman "began complaining of abdominal discomfort" and went into premature labor at 27 weeks pregnant. ICE Health Service Corps transported both mother and child to a nearby hospital where the infant was pronounced dead. The woman remains in ICE custody, awaiting medical release.

A 2016 policy was implemented based upon general consensus that incarceration places mental and medical health stresses on a pregnant individual, and detention centers are often ill-equipped to properly serve their needs. In 2017 acting ICE Director Thomas Homan reversed this policy to comply with President Trump's executive order to implement a



stricter enforcement of immigration law and end the policy of "catch-and-release," which allowed immigrants to live in the United States while they await their appearance in immigration court. Pregnant individuals are now released by ICE only on a case-by-case basis. Responding to DHS Secretary Kirstjen Nielsen's claim that pregnant individuals in ICE custody are provided with prenatal care, separate housing, specialists, counseling, and offsite appointments if necessary, Rubia Mabel Morales Alfaro, a 28-year-old who was in ICE custody from around Dec. 23, 2017 to March 15, 2018, told BuzzFeed News: "It's a lie. They didn't give me anything. If they had had that, I would not have lost my son." In a complaint filed by the ACLU and other immigrant advocacy groups shortly after the Trump administration reversed course on their policy of not detaining pregnant immigrants, 10 immigrant women – some of whom experienced miscarriages – described their harrowing experiences of being pregnant while in ICE custody.

Reported similarly: [Dallas Morning News](#) [2/26/2019 12:47 PM, Dana Branham, 437K, TX]

**[TX] Family of veteran detained by ICE pleads for his release**

[Texas Monitor](#) [2/26/2019 7:40 PM, Molly Smith, TX] reports that veteran Edgar Baltazar, 37, was detained by U.S. Customs and Border Protection officers Feb. 1 as he attempted to drive back into the United States via the Hidalgo-Reynosa International Bridge after visiting family in Mexico. Although a lawful permanent resident who has lived in the U.S. since age 14, Baltazar was detained by Immigration and Customs Enforcement and placed in deportation proceedings because of his criminal history. He was convicted in 2018 of a third-degree felony continuous family violence charge stemming from a 2016 arrest, according to Hidalgo County court records, and sentenced to six years probation and deferred adjudication. Baltazar's attorney Carlos M. Garcia and Baltazar's family are asking ICE to release Baltazar from custody while his immigration case plays out in court, which could take between three to four months. Because Baltazar was detained at a port of entry, an immigration judge does not have jurisdiction to release him on bond. Only ICE has the authority to do so, and the agency has yet to respond to a Feb. 12 request for release his attorney sent the federal agency.

Reported similarly: [CBS 4 News](#) [2/26/2019 7:40 PM, Marybel Gonzalez, TX]

**[TX] Houston-Area International Students Sent Back To India After Enrolling In ICE's Fake University**

[Houston Public Media](#) [2/26/2019 10:34 AM, Elizabeth Trovall, TX] reports immigration judges have ordered at least five Houston-based computer science students sent back to India immediately, along with two students in Dallas and two in San Antonio, according to Texas-based immigration lawyers. Students were arrested for immigration violations after enrolling in a fake university U.S. Immigration and Customs Enforcement (ICE) set up to catch immigration fraud. They'll be escorted by officials to the airport within 48 hours after they purchase tickets home. ICE enrolled 600 international graduate students in the University of Farmington, Michigan as part of a sting operation that started in February 2017. They charged \$5,000 a semester, according to lawyers, and offered work permits to students without giving classes. After immigration officials revealed the university was fake, 161 students were arrested on immigration fraud charges, including five in Houston. In a written statement, ICE officials said the sting was intended to deter future violations and help authorities understand immigration fraud schemes. "Undercover schools provide a unique perspective in understanding the ways in which students and recruiters try to exploit



the nonimmigrant student visa system," officials said. "In addition, this type of operation serves as deterrent to potential violators and as a reminder to all nonimmigrant students to be vigilant in complying with the pertinent laws while studying in the United States."

#### **[MT] ACLU files class-action lawsuit challenging illegal ICE detainers in Gallatin County**

[Bozeman Daily Chronicle](#) [2/26/2019 1:42 PM, Freddy Monares, 17K, MT] reports the ACLU of Montana and the ACLU Immigrants' Rights Project filed a class-action lawsuit for people unlawfully jailed at the Gallatin County Detention Center at the request of U.S. Immigration officials. Gallatin County officials are exceeding their authority under Montana law by imprisoning people on the grounds that they may have committed a civil violation under federal immigration law, according to an ACLU news release. The complaint, filed in Gallatin County District Court, named Gallatin County Sheriff Brian Gootkin and detention center administrator Jason Jarrett as the defendants. Luis Soto-Lopez, the named plaintiff in the case, has been wrongfully jailed at the Gallatin County Detention Center at the request of federal immigration officials since Nov. 11, 2018, the ACLU said. Upon his arrest for a misdemeanor, his family immediately attempted to pay his \$500 bond, which would have secured his release pending trial. Despite their attempts to pay bail, Gallatin County refused to release Soto-Lopez due to an Immigration and Customs Enforcement hold — commonly called an "ICE detainer," the ACLU said. Three months later, Soto-Lopez remains in jail, while his wife and children — all U.S. Citizens — wait for his release. The lawsuit seeks to end the use of ICE detainers for all current and future people incarcerated at the Gallatin County Detention Center who are being held at the behest of federal immigration authorities, according to the ACLU. It also seeks compensation for Mr. Soto-Lopez's unlawful imprisonment

#### **[CA] Immigrant detainees treated like prisoners in California, Attorney General report says**

[San Gabriel Valley Tribune](#) [2/26/2019 7:05 PM, Roxana Kopetman, 22K, CA] reports immigrants held in detention centers in California often don't have adequate access to lawyers, are sent to facilities far from their families, and are frequently kept in their cells up to 22 hours a day. Those were some of the findings in a 147-report issued Tuesday by the California Attorney General, the first to be issued as part of a 2017 state law that calls for regular reporting on how immigrant detainees are treated in California. Though the report found conditions vary among the detention centers - with some places described as providing decent food, for example, while others were cited for food-related health violations - a common theme is that detainees are treated like prisoners even as they await their day in court and are not in the facilities as a result of criminal convictions. The goal of the report - which faced legal opposition and lack of cooperation at least some of the sheriff's departments and others that run the centers - was to "shine a light on how facilities are operated and the conditions under which they maintain their detainees," said California Attorney General Xavier Becerra.

[Los Angeles Times](#) [2/26/2019 10:05 PM, Jazmine Ulloa, 3575K, CA] reports on Tuesday, Atty. Gen. Xavier Becerra released findings from the first state inspection of California's immigrant detention centers, designed to provide a deeper look into the conditions inside the system as the Trump administration takes a more aggressive approach to confining people who are in the country illegally. Over the last three years, more than 74,000 immigrant detainees from over 150 countries have been held at California's 10 public and



private detention centers, all inspected by the attorney general's office. Immigrants spent more than 50 days confined on average, with one person staying in a facility for more than four years. Almost all facilities detained people in cells for long periods of time - sometimes up to 22 hours a day - without any breaks, according to the report. Immigrants faced significant language barriers and challenges in accessing medical and mental healthcare and legal counsel, state investigators found. Detainees were allowed only minimal contact with friends and family. The attorney general said that he is prepared to take legal action against those that fail to comply with his office's recommendations. Lori Haley, a spokeswoman with U.S. Immigration and Customs Enforcement, declined to answer questions about the audit, but said in a statement that the agency is committed to ensuring all detainees are treated humanely. "The safety, rights and health of detainees in ICE's care are of paramount concern and all ICE detention facilities are subject to stringent, regular inspections," she said.

Reported similarly:

[Washington Post](#) [2/26/2019 10:25 PM, Paul Elias]

[KTLA-TV](#) [2/26/2019 2:52 PM, Staff, 267K, CA]

[KMJ Now](#) [2/26/2019 4:53 PM, Staff, 1K, CA]

[KQED](#) [2/26/2019 3:14 PM, Lisa Pickoff-White, 160K and Julie Small, CA]

**[CA] ICE issues hold for man cited in Selma crash that killed 8-year-old boy**

[Fresno Bee](#) [2/26/2019 4:11 PM, Jim Guy, 62K, CA] reports federal officials have issued an immigration detainer for Karmjit Singh, 35, who was arrested Saturday after what officials say was a 100 m.p.h. drunken driving collision in which an 8-year-old boy was killed. The California Highway Patrol said Singh was convicted of drunken driving in 2016. The Fresno County Sheriff's Office reported that Singh is a citizen of India. He is being held on a bail of about \$250,000 in the Fresno County Jail. The crash took place just after 10 p.m. as Scott Martzen, 33, of Selma, was eastbound on Rose Avenue in a 2014 Kia. Singh was northbound on Bethel Avenue in a BMW 750i, according to the CHP. There is a stop sign for Bethel traffic at the intersection, and Rose traffic has the right-of-way, the state agency said. Witnesses told investigators that the BMW was speeding when Singh blew the stop sign and broadsided the passenger side of the Kia. Megan Martzen, 29, was in the front passenger seat and the 8-year-old was in the back. The BMW landed in irrigation canal and the Kia slammed into a tree. The boy died at the hospital. The immigration hold will likely prevent Singh's release from jail. Richard Rocha, of the federal agency, said he could not provide details about the immigration action.

Reported similarly: [KMJ Now](#) [2/26/2019 12:03 PM, Staff, 1K, CA]

**[CA] Salvadoran asylum-seekers nabbed attempting to smuggle illegal immigrants**

[Washington Times](#) [2/26/2019 4:37 PM, Stephen Dinan, 527K, DC] reports that two Central Americans who claimed to need asylum in the U.S. were caught trying to smuggle a relative into the country this week, federal authorities said Tuesday. Edy Giovanni Fuentes-Alvarado and Kenia Yamileth Gomez-Caballero — a husband and wife — went through a Border Patrol checkpoint in southern California on Sunday. During an immigration inspection the couple, from El Salvador, said they had already applied for asylum and were awaiting a decision. The husband then said they were looking to try to pick up his wife's illegal immigrant cousin who was somewhere near the checkpoint. According to court documents, after getting permission to look at Mr. Fuentes' phone, agents discovered text messages



detailing the cousin's movements and a GPS location where the couple was to pick him up. Agents then tracked down the cousin and found him with another illegal immigrant, both of whom were waiting to be picked up. The criminal complaint filed in the case did not go into details, but smugglers often will drop illegal immigrants off before a border checkpoint then have a driver pick them up on the other side of the checkpoint.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Thursday, Feb. 28, 2019**

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## Policy and Legislative News

### **Congress is voting to end Trump's 'emergency.' But the vote won't stop him.**

[Washington Post](#) [2/27/2019 1:17 PM, Aziz Huq, 9763K] reports the House voted Tuesday to disapprove President Trump's emergency declaration redirecting Defense Department funds to construction of a southern border wall, and the Senate will soon take up the question. Many in Congress doubt the president's claim that there is an emergency at the border, as the National Emergencies Act of 1976 requires. Many also think the president has failed to satisfy the statutory triggers for reallocating military funds in an emergency. Will Congress's actions make any practical difference? The answer is almost certainly not. When the National Emergencies Act was enacted in 1976, it was intended to impose some order on what had become a dense thicket of statutory emergencies powers. But the White House objected, and senators worked out a compromise. Congress could end an emergency by concurrent resolution — that is, by majorities in both chambers but without a



presidential signature. This was known at the time as a "legislative veto." But in 1983, the Supreme Court, in *INS v. Chadha*, invalidated a legislative veto in the Immigration and Naturalization Act — and, by extension, all legislative vetoes. This statute gave the Immigration and Naturalization Service, a precursor of Immigration and Customs Enforcement, or ICE, power to decide whether to deport unauthorized immigrants, but a legislative-veto provision in the statute allowed either House of Congress to reverse an INS decision.

### **At Least 4,500 Migrant Children Claim Abuse At U.S. Government-Funded Shelters**

[Huffington Post](#) [2/27/2019 8:48 AM, Staff] reports thousands of accusations of sexual abuse and harassment of migrant children in government-funded shelters were made over the past four years, including scores directed against adult staff members, according to federal data released Tuesday. The cases include allegations of inappropriate touching to staff members allegedly watching minors while they bathed and showing pornographic videos to minors. Some of the allegations included inappropriate conduct by minors in shelters against other minors, as well as by staff members. Rep. Ted Deutch, D-Fla., released the Health and Human Services Department data amid a hearing on the Trump administration's policy of family separations at the border. The data span both the Obama and Trump administrations, and were first reported by Axios. From October 2014 to July 2018, the Office of Refugee Resettlement, a part of Health and Human Services, received 4,556 complaints, including allegations of sexual abuse, harassment and inappropriate behavior. Of those, the Justice Department received 1,303 more serious sex abuse complaints, including 178 allegations of sexual abuse by adult staff, officials said. The number of complaints decreased during budget year 2017, but otherwise has hovered at about 1,200 per year. Refugee Resettlement officials said the majority of the allegations were "inappropriate sexual behaviors" between minors at the facilities, and shelters can often resolve these allegations through counseling and other non-criminal avenues.

Reported similarly: [New York Times](#) [2/27/2019 7:26 PM, Matthew Haag, 20737K]

### **As El Paso region sees surge in migrant crossings, nonprofit groups' support services feel the strain**

[The Texas Tribune](#) [2/28/2019 1:01 AM, Julián Aguilar, 102K, TX] reports that the statue of Mount Cristo Rey standing over this small border community is the site of an annual pilgrimage near the Texas-New Mexico state lines, where tens of thousands gather each October to celebrate their Catholic faith and honor the sacrifices it demands. This month the site bore witness to a different type of mission, one that immigrant rights groups say is borne out of necessity and desperation. As the number of families apprehended skyrockets, nonprofit and faith-based groups are scrambling to ensure that migrants seeking asylum aren't let out onto the streets without shelter. The surge of migrants illegally crossing into Texas has continued even as the Trump administration has tried to crack down on asylum-seekers. From Oct. 1, when the federal government's 2019 fiscal year began, through January, more than 25,700 family units were apprehended in the Border Patrol's El Paso sector, which also includes New Mexico. In the Rio Grande Valley sector, which has been the nation's busiest, about 43,600 families were apprehended. Although the El Paso sector has always been busy, the latest surge could result from the Trump administration's policy of stationing Customs and Border Patrol agents on international bridges to turn back potential asylum-seekers. CBP officers have said the move, known as metering, is necessary because the agency has limited space to house asylum-seekers while they wait



for their claims to be processed. As the increases continue, shelter directors and faith-based groups on the border are scrambling to make sure migrants have a temporary place to visit before they move to their final destinations, which are usually cities far north of the borderlands.

### **Border Patrol Chief Agrees With Trump That There Is A Border Crisis**

[The Daily Caller](#) [2/27/2019 9:40 AM, Jason Hopkins, 867K, DC] reports U.S. Border Patrol Chief Carla Provost broke down in a testimony to Congress why the situation at the U.S.-Mexico border qualifies as a national security crisis. "There is an ongoing debate as to whether this constitutes a border security crisis or a humanitarian crisis. Let me be clear, it is both," Provost, President Donald Trump's top border official, said Tuesday during a hearing in the House Judiciary Committee. Provost's comments run counter to claims made by Democrats and other Trump critics who argue that, because border apprehensions are down considerably from 20 years ago, there is no actual crisis. While the 361,000 people the Border Patrol caught in fiscal year 2018 is less than half of the 1 million who were caught in the 1990s and 2000s, Provost says there is more to the numbers than meets the eye. "I've been asked many times how the current situation can be a crisis compared to years when we surpassed 1 million apprehensions," the Border Patrol chief said to lawmakers. "To understand the numbers, you have to look at what's happening on the ground." In years past, the majority of those apprehended at the border were Mexican nationals who, after taken into custody and documented by Border Patrol, were handed over to Immigration and Customs Enforcement's Enforcement and Removal Operations office for deportation. In present time, more than half of all border apprehensions are Central American children or families. Due to a 2008 trafficking law, the children cannot be immediately deported because they are not from Mexico or Canada. Provost says the demographic changes have stretched her agency thin. "Each day, nearly 25 percent of my agents are diverted away from our border security mission to care for, transport and process family members and unaccompanied children," she said Tuesday. "We know that when agents are occupied, narcotics smugglers, criminal aliens, gang members and others use the opportunity to violate our borders and our laws."

### **Outcry over refugee deportations as Trump visits Vietnam for summit**

[ABC News](#) [2/27/2019 2:16 PM, Quinn Owen] reports with President Donald Trump in Vietnam this week, advocates are continuing calls for his administration to fully reverse moves to deport refugees who came to the U.S. in the wake of the Vietnam War. The issue has left many in a state of uncertainty over the possibility of deportation and lawmakers joined activists on Capitol Hill Wednesday calling on the administration to stop what they call a targeting of Asian American immigrants. The issue centers on the Trump administration's reconsideration of a 2008 bilateral agreement between American and Vietnam that effectively stopped deportation orders for Vietnamese nationals who arrived in the U.S. prior to 1995. Immigration court removal orders for Vietnamese nationals steadily declined throughout most of the Obama administration and have leveled off in recent years. A lawsuit from the nonprofit advocacy group Asian Americans Advancing Justice revealed the administration's wavering posture last year. The court challenge, brought against the Department of Homeland Security, relies in part on a 2001 Supreme Court ruling that prevents extended detention for immigrants whose country of origin will not accept their return. In court documents from April of last year, an Immigration and Customs Enforcement official acknowledged the agency's efforts to remove Vietnamese nationals who had previous orders of removal. But in September, the same official said senior ICE officials had



met with the Vietnamese government and determined they could not carry out the removals. "ICE has no arrests policy specific to particular nationalities," ICE spokesperson Brendan Raedy said in response to questions from ABC News. "ICE remains committed to directing its enforcement resources to those aliens posing the greatest risk to the safety and security of the United States."

### **House passes gun background check bill after GOP undocumented amendment**

[NBC News](#) [2/27/2019 4:37 PM, Associated Press] reports that after a surprise GOP amendment targeting undocumented immigrants, the Democratic-controlled House on Wednesday approved a measure requiring federal background checks for all firearms sales and transfers, the first major gun control legislation considered by Congress in nearly 25 years. Democrats called the 240-190 vote a major step to end the gun lobby's grip on Washington and begin to address an epidemic of gun violence. The bill includes a Republican amendment requiring that gun sellers notify Immigration and Customs Enforcement when an illegal immigrant tries to buy a gun. Twenty-six Democrats joined with Republicans to support the amendment, offered by Rep. Doug Collins, R-Ga.

Reported similarly:

[Washington Post](#) [2/27/2019 4:28 PM, Mike DeBonis]

[New York Times](#) [2/27/2019 8:54 PM, Catie Edmondson, 20737K]

[The Hill](#) [2/27/2019 6:11 PM, Cristina Marcos and Mike Lillis, 3038K]

[The Hill](#) [2/27/2019 4:16 PM, Juliegrace Brufke, 3038K]

[Politico](#) [2/27/2019 5:25 PM, John Bresnahan]

[Huffington Post](#) [2/27/2019 3:49 PM, Matt Fuller]

[FOX News](#) [2/27/2019 4:35 PM, Andrew O'Reilly, 9216K]

[AOL](#) [2/27/2019 7:40 PM, Associated Press, 7068K]

[Washington Times](#) [2/27/2019 4:44 PM, David Sherfinski, 527K, DC]

### **[NJ] Representatives Zeldin And King Urge County Sheriffs To Work More Closely With ICE**

[Southampton Press](#) [2/27/2019 10:19 AM, Anisah Abdullah, 7K, NJ] reports on February 14, U.S. Representative Lee Zeldin and U.S. Representative Peter King, both of whom represent Long Island communities, sent a letter to the Nassau County and Suffolk County sheriffs offices urging them to increase cooperation with U.S. Immigration and Customs Enforcement, or ICE, in the face of court cases challenging the federal agency's authority within the state. The letter had three requests for Suffolk Sheriff Errol Toulon and Nassau Sheriff Vera Fludd. The first was that they honor all ICE detainer requests, meaning they notify ICE when they have in custody an individual unlawfully in the country who was arrested on criminal charges in order to allow ICE to take custody of the individual. The second was that they maintain ICE's presence in correctional facilities-something Suffolk County recently decided to drop-and the third was to have local law enforcement agencies enter partnership agreements with ICE, under its 287(g) program, so that ICE can delegate authority for immigration enforcement within the agencies' jurisdictions.

### **[NC] North Carolinians Voted to End Cooperation With Trump's Deportation Force. ICE Retaliated.**

[American Civil Liberties Union](#) [2/27/2019 5:30 PM, Alissa Ellis and Chris Rickerd, 143K] reports that recent raids by U.S. Immigration and Customs Enforcement in North Carolina were a failed attempt to achieve by force what was soundly rejected at the ballot box last



November: Trump's anti-immigrant agenda. ICE targeted places and people based on democratic decisions North Carolina counties made about their policing resources and values, including upholding the Constitution. In the 2018 sheriffs' elections in North Carolina, several long-term incumbents in Wake, Durham, Mecklenburg, Forsyth, and Henderson counties were defeated. Their successors ran — and won — on the promise of accountability to the diverse communities that they serve and against being part of Trump's deportation force. This included the termination of 287(g) cooperation agreements with ICE that notify federal agents of the immigration status of detained individuals. Immediately, sheriffs began enacting the will of the people. In North Carolina's three most populous counties — Wake, Mecklenburg, and Durham — each newly elected sheriff publicly stated their intention to disentangle their local law enforcement work from federal immigration enforcement. ICE engaged in a five-day statewide operation in North Carolina starting Feb. 5. ICE targeted the three counties — Wake, Durham, and Mecklenburg — where sheriffs have publicly ended their collaboration with ICE. The operation resulted in the detention of over 200 immigrants and was admittedly haphazard in nature, resulting in ICE detaining at least 60 immigrants who were not targets of ICE immigration enforcement, but were simply in the "wrong place at the wrong time." In defending the raids, ICE officials directed their ire at local law enforcement for ending collaboration with ICE. ICE Field Office Director Sean Gallagher named "the dangerous policies of not cooperating with ICE," as the impetus for the operation.

**[FL] Gov. Ron DeSantis pushes 'sanctuary cities' ban**

[Florida Today](#) [2/27/2019 10:24 AM, Jim Turner and Dara Kam, FL] reports that, pushing a hard-line immigration stance that endeared him to conservative voters, Gov. Ron DeSantis on Tuesday called on lawmakers to pass a controversial measure to ban so-called sanctuary cities during the legislative session that begins next week. The Republican governor also urged Florida sheriffs to join a handful of their colleagues participating in a federal immigration enforcement program in which U.S. Immigration and Customs Enforcement, or ICE, deputizes local law officials. In addition, DeSantis instructed the state's prisons chief, Mark Inch, to come up with a way the state Department of Corrections can also participate in the federal program, which allows state and local law enforcement officials to investigate, apprehend, detain and transport undocumented immigrants facing deportation. The program is known as the 287(g) program. DeSantis, who made a crackdown on illegal immigration one of his campaign cornerstones and highlighted the issue in his inaugural address last month, made the announcements Tuesday during a news conference at Hernando County Sheriff Al Nienhuis' office in Brooksville. DeSantis called on the state's sheriffs to enter into agreements with federal authorities similar to the memorandum that allows Nienhuis' office to train and authorize personnel to identify and process undocumented immigrants. The governor said he wants the state corrections department to enter a similar agreement with ICE. The governor also used Tuesday's event, where he was joined by state Sen. Wilton Simpson, to show support for legislation (HB 527, SB 168) intended to ensure local governments in Florida fully comply with requests from federal immigration authorities. The Senate's sanctuary city ban is being sponsored by Joe Gruters, a Sarasota senator who doubles as chairman of the Republican Party of Florida. Gruters has made the proposal a top priority going into the annual legislative session, which starts March 5.

Reported similarly: [Florida Today](#) [2/27/2019 10:24 AM, Jim Turner and Dara Kam, FL]



**[WI] Milwaukee sheriff shifts policy, says department will no longer offer info to immigration officials**

[WISN ABC](#) [2/27/2019 11:04 PM, Terry Sater, 39K, WI] reports in an about-face from the previous administration, Milwaukee County Sheriff Earnell Lucas said his agency will no longer offer information to immigration officials about people detained in the county jail. Lucas said Wednesday he'll provide information if a judge has signed a warrant, but wants to avoid the lawsuits officials in other parts of the country have faced after holding inmates for Immigration and Customs Enforcement officials. "I'm just taking it a step further by saying we won't hold individuals, nor will we communicate with ICE," Lucas said. The move was praised by members of Milwaukee's Latino community, who said the impact of the new policy will extend beyond the jail. Lucas said the focus going forward will be on criminals, not law-abiding residents. ICE responded to WISN 12 News' request for comment saying, in part: "when law enforcement agencies fail to honor immigration detainers and release serious criminal offenders onto the streets, it undermines ICE's ability to protect public safety and carry out its mission, ICE has no choice but to continue to conduct at-large arrests in local neighborhoods and at work sites, which will inevitably result in additional collateral arrests, instead of focusing on arrests at jails and prisons where transfers are safer for ICE officers and the community." [Editorial note: consult source link for video]

**[NM] MDC has been cooperating with ICE immigration officers**

[Albuquerque Journal](#) [2/27/2019 9:26 PM, Jessica Dyer, 55K, NM] reports that New Mexico's largest jail on Wednesday acknowledged that its personnel has notified federal immigration officers when certain inmates are being released — actions one Bernalillo County commissioner denounced as "disappointing" and a violation of county policy. A spokeswoman for the county-run Metropolitan Detention Center said records department employees told jail leaders Wednesday they have occasionally called U.S. Immigration and Customs Enforcement about particular inmates at ICE's behest. Jail spokeswoman Candace Hopkins characterized it as an "extremely rare occurrence," but could not say exactly how many times it had happened or when it happened most recently. "This practice, and the practice of allowing ICE inside the facility to access records, will no longer continue as a result of this resolution." The commission two years ago declared the county "immigrant-friendly" with a resolution that banned the use of county resources to identify any individual's immigration status or apprehend anyone based solely on their immigration status, unless otherwise required by law. ICE says the new rules will make it harder for the federal agency to do its job. ICE spokeswoman Leticia Zamarripa said deportation officers from the Criminal Alien Program regularly visit MDC to review records for every newly arrested inmate and "identify removable aliens following their criminal arrest or conviction." Corey Price, field office director for ICE's Enforcement and Removal Operations in El Paso, said the agency will continue its push.

[KOAT](#) [2/28/2019 12:24 AM, Sasha Lenninger, 20K, NM] reports that Bernalillo County is now more "immigrant-friendly" after commissioners passed a resolution Tuesday night, that's according to county commissioners. Bernalillo County declared itself an immigrant-friendly county in 2017. Commissioner Steven Michael Quezada proposed a resolution strengthening the county's non-discrimination policies. The resolution would not allow Immigration and Customs Enforcement agents to access information on inmates in the Bernalillo County jail. Agents would need a federal warrant to access any information. According to our partners at the Albuquerque Journal, in general, about once a week, ICE agents visited the Bernalillo County jail, made their way past the lobby and accessed the records department, getting personal information on inmates without a warrant. "If they are



truly a criminal and they committed a crime, this does not protect them." Quezada said at the end of the day, there is a process that needs to be followed and the county must protect the rights of the people. [Editorial note: consult source link for video]

**[WY] Judge allows defendant to avoid courthouse, feds**

[Jackson Hole News & Guide](#) [2/27/2019 6:30 AM, Emily Mieuse, 8K, WY] reports that a simple motion made in Teton County Circuit Court on Feb. 11 triggered a complex argument over immigration not often heard in state court. Elisabeth Trefonas, senior assistant public defender, asked Judge Jim Radda to allow her client to appear by phone, rather than in person, when he changes his plea at his next court hearing. Teton County Deputy Prosecutor Clark Allan firmly objected. But Radda pointed out how a visit to the courthouse could play out for the defendant, who is undocumented. The law states that judges can allow defendants to change pleas by mail or by phone with the defendant's consent, Radda said. "I have a problem with the idea that someone's status that they are illegal and they may be arrested allows them to not come to court," Allan said. Immigration and Customs Enforcement agents have made arrests at the Teton County Courthouse. And ICE appearances at local courthouses have increased in recent years. "U.S. Immigration and Customs Enforcement has, for some time, had established practices in place related to civil immigration enforcement inside courthouses," according to ICE.gov. "However, the increasing unwillingness of some jurisdictions to cooperate with ICE in the safe and orderly transfer of targeted aliens inside their prisons and jails has necessitated additional at-large arrests, and ICE felt it was appropriate to more formally codify its practices in a policy directive that its law enforcement professionals and external stakeholders can consult when needed."

**[CA] Companies That Work With ICE Could Lose California Contracts**

[Pacific Standard](#) [2/27/2019 12:21 PM, Massoud Hayoun, CA] reports a California lawmaker has launched a bid to block the state from contracting with companies that funnel intelligence to federal immigration agents, in a move that would bolster the state's protections for undocumented residents targeted by the Trump administration. On Friday, Assemblyman Rob Bonta introduced the "Sanctuary State Contracting and Investment Act" (AB 1332), a bill that would bar California cities and counties from contracting with companies that provide Immigration and Customs Enforcement and Customs and Border Patrol with data on, or "extreme vetting" of, residents, or assist those agencies in immigrant detention. The bill also bars cities and states from "investment in stocks, bonds, securities, or other obligations" with those companies. "The state has a moral obligation to protect its residents from persecution," according to the bill's text. "Immigrants are valuable and essential members of the state." The bill continues on the efforts of prior legislation, like the sanctuary state law, the California Values Act, signed by then-Governor Jerry Brown in 2017. The sanctuary state law prohibits state agencies and employees from providing support to federal immigration agents involved in the Trump administration's push to deport immigrants, but does not prohibit them from giving companies that might do so contracts.

**[CA] Cartel violence drives a wave of Mexican asylum seekers. This family lost a son and fled**

[Palm Springs Desert Sun](#) [2/27/2019 10:00 PM, Rebecca Plevin and Omar Ornelas, 36K, CA] reports that for decades, people came from the southwestern Mexican state of Guerrero to the U.S. for economic reasons. Now many are fleeing drug violence and seeking asylum. Alfredo had been searching for his son Leonel for two days. He said he



heard federal police had detained Leonel and three friends after school. It was 2015 and two criminal organizations, Los Rojos and Los Ardillos, had been fighting for control over Chilapa, a city of about 31,000 surrounded by lush green mountains. By one count, the homicide rate had more than doubled over the year before. Teenagers and young men were the main casualties. Yet many people, distrustful of law enforcement, didn't report the crimes to local authorities. Following Leonel's death, Alfredo got a temporary work visa and left for the United States. His son's death spurred at least seven members of his extended family to leave Guerrero as well. Alfredo is currently living in Oregon's Willamette Valley with his two young daughters and their mother, who are seeking asylum. Alfredo's brother Martín won asylum in 2018, after he claimed one of Chilapa's criminal groups had targeted him because of his familial connection to Alfredo and Leonel.

As international attention has focused on caravans of Central American migrants arriving at the U.S. border to seek asylum, the exodus of people fleeing the fallout from Mexico's drug war has received less notice. Since fiscal year 2014, the total number of asylum applications has surged — more than tripling. The trend has been even more pronounced for Central Americans and Mexicans. The number of unauthorized migrants from Mexico apprehended at the southwest border has been steadily declining since 2004 and flattened since 2014, according to U.S. Customs and Border Protection. The improving Mexican economy, enhanced U.S. immigration enforcement and a long-term drop in Mexico's birth rate all contributed to the change, according to the Migration Policy Institute, a non-partisan think tank in Washington, D.C., focused on immigration. [Editorial note: consult source link for video]

## Legal News

### **BIA Used Wrong Analysis In Reviewing Asylum Bid: 2nd Circ.**

[Law360](#) [2/27/2019 6:55 PM, Kevin Penton] reports the Board of Immigration Appeals used the wrong legal standard to affirm an immigration judge's determination that a Nepalese journalist does not qualify for asylum or withholding of removal, the Second Circuit held on Wednesday. The board erred by failing to implement an "individualized analysis" of the conditions Paresh Bardewa allegedly would face were he to return to Nepal and by not fully considering available evidence on conditions in the country, according to the three-judge appellate panel's opinion. The BIA misstated legal precedent by ruling in Bardewa's case that using an individualized analysis to review fear of future persecution claims is "not applicable in the Second Circuit," according to the appellate court's opinion. The BIA also failed to fully consider conditions in Nepal and to provide sufficient reasoning for its conclusions, as it simply cited a unpublished Fourth Circuit opinion that also touched on the country, according to Wednesday's opinion. The Second Circuit remanded the case so the BIA can again review the immigration judge's determinations concerning Bardewa, who contends that articles he has written that are critical of Maoists have prompted members of the group to threaten his family in Nepal, according to the opinion.

### **[OH] Immigrants in the Cleveland federal court system face long waits and high bonds**

[Blasting News](#) [2/27/2019 4:19 PM, Ashley Herzog] reports that as the border becomes more militarized and the conflict escalates, it's more difficult to get the truth about immigration-related issues. Therefore, I decided to go to federal immigration court in my hometown of Cleveland, Ohio, to witness it myself. Before heading to the federal



courthouse in downtown Cleveland, I met up with Lynn Tramonte, Director of the Ohio Immigrant Alliance. Our original plan was to sit in on a bond hearing for a Mauritanian man being held in an ICE detention center near Cincinnati, Ohio. This man fled Mauritania for the United States almost twenty years ago and is filing for asylum. He's been checking in with ICE on a regular basis, but thanks to new Trump-era policies, the last time he checked in, they arrested him and transported him to an ICE detention center. This isn't much of a surprise since Tramonte says the regional ICE branch, headquartered in Detroit, is one of the most aggressive in the nation. The Mauritanian man whose bond hearing was scheduled that afternoon didn't get his day in court. At the last minute, the detention center, located in Cincinnati, "accidentally" transported him to a different facility in Morrow County, Ohio. He'll have to wait in detention for several more weeks. I also observed the bond hearing for a Honduran immigrant, brought here at age five by his mother, whose bond was set at \$12,000 – a high price for low-wage-earning immigrants.

### **[CA] Second Cambodian deportee to return to U.S., giving hope to others seeking return**

[NBC News](#) [2/27/2019 8:49 AM, Agnes Constante, 4061K] reports five years after he was deported to Cambodia, Veasna Meth is expected to return home to California on Wednesday, becoming what advocates say will be the second Cambodian deportee to return to the United States. Deportees returning to the United States is a rare occurrence, according to Melanie Kim, staff attorney at Asian Americans Advancing Justice -- Asian Law Caucus, who is co-representing Meth. But constantly changing immigration laws - including what convictions make an individual removable from the U.S. -- have made Meth's return possible, as well as that of Phorn Tem, who reunited with his family in California in November. Tem is believed to be the first Cambodian deportee to return to the U.S. Meth, 29, received a removal order in 2013 due to a 2008 burglary conviction. A change in law last year -- U.S. Supreme Court case *Sessions v. Dimaya*, which concluded that California burglary is no longer a removable offense -- opened up the opportunity to challenge the validity of his old removal order, Kim said. Tem, 33, who received a removal order due to a 2009 conviction of possession for sale of marijuana, was able to vacate his order in criminal court because of a new California law implemented in 2017. The law allows individuals no longer in criminal custody to file a motion to vacate a conviction or sentence based on two reasons. One is if a conviction or sentence is legally invalid due to prejudicial error (which could include a court-related error), preventing the individual from understanding the immigration consequences of pleading guilty or no contest.

## **Enforcement News**

### **28 women may have miscarried in ICE custody over past 2 years**

[USA Today](#) [2/27/2019 11:48 AM, Daniel González, 6053K] reports the delivery of a stillborn baby by a 24-year-old Honduran woman at an immigration detention center in Texas has prompted renewed outrage from advocates about the dangers of detaining pregnant women. ICE officials told The Arizona Republic in a statement that 28 women may have experienced a miscarriage just prior to or while in ICE custody over the past two fiscal years. Ten of the miscarriages occurred in fiscal year 2017, and 18 occurred in fiscal year 2018, according to a manual review of medical records as of Aug. 31, 2018, the statement said. The delivery of a stillborn baby comes after the Trump administration ended an Obama-era policy against holding pregnant women in detention centers. In 2016, under then-President Barack Obama's administration, U.S. Immigration and Customs



Enforcement issued a memo that said "Absent extraordinary circumstances or the requirement of mandatory detention, pregnant women will generally not be detained by ICE.". But in December 2017, President Donald Trump's administration ended that policy as part of a crackdown on illegal immigration. The decision prompted an outcry from 250 advocacy organizations. They warned in an April 2018 letter that detention centers were not equipped to provide the specialized medical care that pregnant women need, and holding pregnant women in detention centers endangered their lives. ACLU, along with several other organizations, filed a complaint against the U.S. Department of Homeland Security in September 2017 after hearing reports from immigration lawyers that ICE was violating its own policy against detaining pregnant women, she said. The complaint documented the accounts of nine pregnant women who had been held in immigration detention centers while in ICE custody. The nine women complained of inadequate medical care, and at least one said she suffered a miscarriage while being held in a detention center.

### **[MA] ICE detainees mount hunger strike at South Bay**

[Bay State Banner](#) [2/28/2019 6:00 AM, Allie Miller, MA] reports that protesting what they say is a pattern of abuse and inhumane conditions at the Suffolk County House of Corrections, over 50 ICE detainees participated in a hunger strike beginning last Friday and lasting several days before it was stopped by corrections officers. Strikers first posted a list of the conditions on Feb. 10, among them lack of hot water, bad food, and verbal abuse by named corrections officers. The list was then posted online via The Fighting Against Natural Gas Collective, who communicated with the strikers when the strike began on Feb. 15. When asked for comment on the strike, ICE media representative John Mohan expressed support for the actions of the SCHC and Boston ICE "in their work of keeping Massachusetts communities safer and more secure," while providing the agency's own definition of a hunger strike in an official statement. "Declining to consume a facility-provided meal during a designated meal time does not necessarily equate with an individual not eating any food, as detainees can obtain food from a commissary in many detention centers, nor is it accurate to describe such behavior as a 'hunger strike,'" said Mohan. "ICE only categorizes a detainee as on a hunger strike if the individual has been observed missing nine consecutive meals." The FANG Collective argued that the protest was clearly a hunger strike, for two reasons: retaliation against the detainees and the prisoners' lack of canteen funds which they discussed at their demonstration outside the prison Thursday night. The ICE spokesperson and FANG also cited different numbers of detainees who participated in the strike. In their email, ICE media said it was 50 strikers, but in their many Facebook posts, FANG said they were told 72 inmates participated.

### **[MA] Woman who knocked off man's MAGA hat faces deportation**

[Green Bay Press-Gazette](#) [2/27/2019 2:35 PM, Joey Garrison, 16K, WI] reports a woman who was arrested earlier this month at a Mexican restaurant in Massachusetts for an alleged assault in which she knocked off a man's "Make America Great Again" hat is now facing deportation proceedings. Rosiane Santos was arrested in Falmouth, Massachusetts, on Feb. 15 for disorderly conduct, assault and battery for the hat-related disturbance with Bryton Turner, who captured the incident on video. The U.S. Immigration and Customs Enforcement agency, known as ICE, has since accused Santos of being an unlawfully present citizen of Brazil residing near Falmouth. On Tuesday, Santos was arrested by deportation officers with ICE's Fugitive Operations Team, according to ICE spokesman John Mohan. After entering into removal proceedings in federal immigrant court, Santos was released from ICE custody, Mohan said in a statement.



[NBC News](#) [2/27/2019 10:12 PM, Phil Helsel and Shamar Walters] reports an immigration attorney reported to be representing Santos, Katarina Kozakova, did not immediately return a call from NBC News on Wednesday. The lawyer told Boston.com that Santos is married to a U.S. citizen and has a pending green card application. The lawyer also told the outlet that the arrest by ICE means that Santos must bring her application for a green card before an immigration judge instead of U.S. Citizenship and Immigration Services.

Reported similarly:

[CBS](#) [2/27/2019 11:16 AM, Staff]

[ABC30](#) [2/26/2019 3:22 PM, Staff, 4K, CA]

### **[CT] Alleged Suitcase Killer Was in Country Illegally**

[NTD](#) [2/27/2019 4:42 PM, Zachary Stieber, CA] reports that the man who allegedly killed a New York woman, stuffed her into a suitcase, and dropped the body on the side of the road in Connecticut is in the country illegally, according to immigration authorities. Javier Da Silva, 24, a Portuguese national who also holds a passport from Venezuela, entered the United States in May 2017 through the Visa Waiver Program, which enables people to enter America for tourism or business for up to 90 days without needing a visa. Da Silva was supposed to leave by August. "He failed to leave the United States within the required time frame," Immigration and Customs Enforcement (ICE) spokeswoman Rachael Yong Yow told the Greenwich Time. Immigration authorities "will aim to take custody of Da Silva for immediate removal when he is released from criminal custody," if and when he is released from jail, she added in an email. Da Silva was arrested on Feb. 11 after allegedly killing his ex-girlfriend Valerie Reyes, also 24. An autopsy on Reyes that will determine her cause of death is pending.

### **[PA] Deported man came back and repeatedly raped a child, ICE says**

[WTSP](#) [2/27/2019 2:21 PM, Staff, FL] reports a previously-deported Honduran man who reentered the United States and raped a child has been re-sentenced in court, according to U.S. Immigration and Customs Enforcement. Juan Ramon-Vasquez, 51, is already serving eight to 20 years in state prison for raping the child. But, this week, he was sentenced to an additional 21 months in prison for the federal offense of reentering the U.S. after being deported. Prosecutors say he was kicked out in May 2009, and federal authorities realized he was back in March 2014. In a statement published online, ICE slammed the City of Philadelphia for not complying with a federal detainment order for Ramon-Vasquez, who was released from custody by the Philadelphia Department of Prisons. That's when federal officials say he repeatedly raped his girlfriend's daughter over an 18-month period. "ICE attempted to remove Ramon-Vasquez once before in March 2014, but the City of Philadelphia refused to honor our detainer and he was released back into the community," said Simona L. Flores, field office director for ICE Enforcement and Removal Operations in Philadelphia. According to CBS News, Philadelphia has a policy of only turning over immigrants to ICE if the agency has a warrant signed by a judge.

Reported similarly:

[Breitbart](#) [2/27/2019 8:51 PM, John Binder, 2015K]

[News 10 Tampa](#) [2/27/2019 2:21 PM, Staff, 55K, FL]

### **[VA] Norfolk sheriff's jailing of immigration detainees draws picketers at City Hall**



[The Virginian-Pilot](#) [2/27/2019 8:00 PM, Jonathan Edwards, 66K, VA] reports protesters are urging city leaders to pressure the Norfolk sheriff so he'll stop jailing suspected illegal immigrants for federal immigration authorities. About 40 people went to the Norfolk City Council meeting Tuesday night to denounce the Norfolk Sheriff's Office for working with Immigration and Customs Enforcement. Since September 2017, Sheriff Joe Baron has quietly jailed more than 1,200 people for the embattled federal agency, a Virginian-Pilot investigation found. Last year, ICE paid the city nearly \$382,000 to jail its detainees, but the state siphoned off almost three-quarters of that. Baron previously told The Pilot that the sheriff's office has been holding inmates for federal agencies like the U.S. Marshals and the FBI for 20 years. Unlike those inmates, ICE detainees are not charged with crimes, but are being held on civil immigration detainers. The sheriff has also – mistakenly – told The Pilot that all the detainees going through the city jail have been before a judge, which he said was part of a verbal agreement he'd made with ICE officials. The Pilot's investigation led ICE to "clarify" its arrangement with the sheriff's office and agreed they would only bring to Norfolk detainees a judge had ordered immigration officials to deport.

**[SC] 'They're not the bad guys': Sheriff Chuck Wright vows to keep supporting ICE**  
[WYFF4 NBC](#) [2/27/2019 3:59 PM, Paige Hopkins, 62K, SC] reports Spartanburg County's sheriff is coming out against the decision of one of his counterparts, saying it is part of his job to aid U.S. Immigration and Customs Enforcement agents. Sheriff Chuck Wright said he disagrees with Buncombe County Sheriff Quentin Miller's decision Tuesday not to work with ICE. "He might be a wonderful gentleman. I just didn't care for the policy he set forth, and I want the people in Spartanburg to know we're going to go after all criminal elements. We're not going to think how this could look to a certain group," Wright said. Neither Spartanburg County nor Buncombe County are part of the 287(g) agreement, under which deputies and police officers are deputized by the Department of Homeland Security to enforce federal immigration law. Despite not being a part of the program, Wright said he views assisting ICE agents as a necessity. "I'd like to remind everybody that ICE is our partner," he said. "They're not the bad guys." The sheriff said his office is concerned with immigrants who have committed crimes while in the country illegally.

[Editorial note: consult source link for video]

### **[GA] 21 Savage's Still-Bumpy Path to Freedom**

[New York Times](#) [2/27/2019 3:01 PM, Jon Caramanica, 20737K] reports at the beginning of the year, 21 Savage was at his commercial apex. His second album, "I Am > I Was," spent two weeks atop the Billboard album chart. Now he has a new, perhaps even higher-profile public role: To his supporters, he's a possible martyr of conscience, under fire for his choice to express his political views in his music. A week before the Grammys, 21 Savage was arrested in Atlanta and put into removal proceedings by Immigration and Customs Enforcement, which said he was an "unlawfully present United Kingdom national" and charged him with overstaying his visa. A week and a half later, he was released on \$100,000 bond. 21 Savage - birth name She'yaa bin Abraham-Joseph -- was, unknown to most, born in London in 1992, and an undocumented immigrant in the United States. That alone makes him vulnerable to removal by the immigration authorities. While his case winds its way through the immigration system, 21 Savage's team has been actively underscoring the political dimension to his plight and marshaling public support. A #Free21Savage coalition of a couple of dozen activist organizations is drawing attention to his situation, and two members of Congress - Hank Johnson and Zoe Lofgren - spoke publicly on his behalf while he was still in detention. Lofgren, from California and chairwoman of the House



Judiciary Immigration and Citizenship Subcommittee, released a statement opening the door for 21 Savage to appear as a witness before her subcommittee and floating the idea that he had been arrested as a result of publicly questioning United States immigration policy. Bryan D. Cox, ICE's Southern Region Communications Director, said in an email, "We're not able to give any additional comment on this case."

**[GA] Separated father clings to hope days before possible deportation**

[San Diego Union Tribune](#) [2/27/2019 8:00 AM, Kate Morrissey, 214K, CA] reports Constantin Bakala and his family have survived kidnapping, torture, rape, poison and a shipwreck. Now, faced with the complexities of the U.S. immigration system, they may be on the verge of defeat. Bakala, 48, and his family fled their home in the Democratic Republic of Congo in late 2016 after they were targeted for Bakala's participation in an opposition party that promoted democracy in the country. After traveling through more than 10 countries, the family arrived at the San Ysidro Port of Entry in November 2017. Bakala was separated from his wife and seven children and sent to an immigration detention center in Georgia while they were released to live in the San Diego area, a common practice at the time. He hasn't seen them since. Because they were separated physically, their cases were also handled separately in immigration court. Since the federal government prioritizes detained cases, Bakala's finished before the family's even began. Unable to find an attorney to represent him at the detention center in rural Georgia and with little money to even pay for phone calls to the outside world to try to get help, Bakala faced by himself an immigration court known for being tough on asylum seekers. Judge Michael Baird, who heard his case, granted 11 of the 152 asylum cases that he decided between fiscal 2013 and 2018, records show. Bakala lost.

He tried to appeal the case by himself and was denied that as well. Now the family, with the help of a San Diego church, has found an attorney to help him, but it may be too late. He is convinced that if he returns to the Democratic Republic of Congo, he will be murdered by his own government. Bakala had to fill out his asylum application in English, a language he does not speak well. Though he told the judge verbally about three times he was taken by police, how he was beaten, interrogated and held without food, he only put information about one of the incidents in his application. The evidence that Bakala was able to gather and present — including a notice from his political party about his disappearance, another notice that the ruling party was looking for him, his voter ID card and party membership card — was not translated into English, so the judge said he couldn't consider it. He found Bakala's story not credible. The Executive Office for Immigration Review said it does not comment on judges' decisions. Neither Immigration and Customs Enforcement nor Customs and Border Protection were able to respond to request for comment in time for publication. As immigration officials prepared to deport Bakala, attorneys filed emergency motions to temporarily keep him in the U.S. to try to reopen his case with new evidence. Last week, the 11th Circuit granted him a stay until Friday.

**[AL] JeffCo Sheriff's Office to undocumented immigrant crime victims: We won't ask about status**

[AL News](#) [2/27/2019 9:10 PM, Howard Koplowitz, AL] reports an undocumented immigrant crime victim's help to secure an arrest — and his initial hesitance to come forward over his status — in a Trussville murder prompted the Jefferson County Sheriff's Office to hold a news conference Wednesday ensuring the Hispanic community that authorities will not ask about victims' or witness' status. "What we want the Hispanic community to know is that



[immigration status is] a completely separate issue," said Capt. David Agee of the sheriff's office. "We don't want anyone or any community to be victimized by crime. We want to help all victims." Walter Edward Juskiewicz, 32, was arrested on charges of capital murder and attempted murder in the Monday night killing of his 39-year-old co-worker, Arnulfo Ortega, according to the sheriff's office. The second victim in the shooting, an undocumented immigrant, "was reluctant to report what had happened due to his immigration status," Capt. David Agee of the sheriff's office told the news conference. Immigration status would only be an issue if an undocumented immigrant is arrested and in custody, Agee noted. U.S. Immigration and Customs Enforcement would then have access to immigration status, but otherwise the sheriff's office "are not ICE agents and we don't act as ICE agents. When we take a report, we are not asking about immigration status."

#### **[FL] Muslim Immigrants Sue ICE for Getting in the Way of Religious Observance**

[The Intercept](#) [2/27/2019 2:14 PM, Maryam Saleh, 500K] reports Muslim immigrants detained at a Florida jail made more than 20 requests for religious accommodation throughout last year. On Wednesday, the men, all of whom came to the United States as refugees from Somalia, sued the Glades County sheriff and other county employees, as well as U.S. Immigration and Customs Enforcement for denying their ability to freely practice their faith, in violation of the U.S. Constitution and federal and state law. The lawsuit was brought by Muslim Advocates, a national civil rights group, and Americans for Immigrant Justice, a Florida-based immigrant rights group. The groups brought this lawsuit to vindicate their clients' rights, said Yusuf Saei, a fellow at Muslim Advocates. The allegations are of a piece with patterns of misconduct at ICE detention centers across the country, and at the Glades jail specifically.

#### **[MI] Michigan police knocked over role in veteran's detention**

[New York Times](#) [2/27/2019 10:49 AM, Associated Press, 30K, CA] reports activists are calling for the firing of a western Michigan police officer whom they accuse of racial profiling by notifying immigration officials about the arrest of a mentally ill Latino war veteran who is actually a U.S. citizen. Immigration and Customs Enforcement held Jilmar Ramos-Gomez for three days in December before releasing the Michigan-born man. Grand Rapids Lt. Curt VanderKooi told ICE about Ramos-Gomez' November arrest at a local hospital, referring to him as "loco," or crazy. Interim police Chief David Kiddle says VanderKooi was reprimanded for "unprofessional language." Dozens of people attended a city commission meeting Tuesday to express their displeasure with how Ramos-Gomez was treated.

[Detroit Free Press](#) [2/27/2019 8:46 AM, Niraj Warikoo, 334K, MI] reports last month, Kent County Sheriff Michelle LaJoye-Young said her department will no longer hold immigrant detainees for federal immigration officials without a judicial warrant. ICE maintains that Ramos-Gomez had told him he was living in the U.S. illegally. Detroit ICE spokesman Khaalid Walls reiterated on Tuesday an earlier statement released by ICE on his case: "On November 23rd, ICE officers interviewed Jilmar Ramos while he was in the custody of local law enforcement," said ICE in their statement. "Mr. Ramos claimed in verbal statements to be a foreign national illegally present in the U.S. Based on his statements, ICE lodged a detainer with local authorities. On December 14th, ICE took Mr. Ramos into agency custody after he was released from local custody. On December 17th, an attorney for Mr. Ramos contacted the agency and provided documentation suggesting that he is a U.S. citizen. ICE reviewed the documentation and authorized Mr. Ramos' release. No further action will be taken."



[Michigan Live](#) [2/27/2019 6:38 PM, Justin P. Hicks, 480K, MI] reports community demands the firing of a Grand Rapids police captain and the end of all cooperation with U.S. Immigration and Customs Enforcement agents by local police took over this week's city commission meeting – and convinced at least one city official. The group called for the firing of Capt. Curt VanderKooi, who they accuse of racially profiling Ramos-Gomez when he contacted ICE agents to check the man's immigration status following his arrest for an alleged arson and trespassing incident at Spectrum Health Butterworth Hospital. A day after hearing the calls for VanderKooi's firing and the end of cooperation with ICE agents by Grand Rapids police, Third Ward Commissioner Nathaniel Moody said, "the people have spoken." "The community has made it clear what their demands are," Moody said.

Additional reporting: [WVPE 88.1](#) [2/27/2019 7:39 AM, Dustin Dwyer, IN]

**[IA] Salvadoran lawsuit victor allowed to stay in US for now**

[KWWL](#) [2/27/2019 11:06 AM, Associated Press, 23K, IA] reports a Salvadoran woman who successfully sued a Maryland county over wrongful profiling and was later unexpectedly detained during a routine immigration check-in will be allowed to remain in the United States for now. WJZ-TV reports Roxana Orellana Santos met with U.S. Immigration and Customs Enforcement on Tuesday, as supporters waited outside. Her lawyer, Nick Katz, says she must check in again in May. ICE detained Santos on Jan. 8, days before a scheduled hearing to determine damages owed by Frederick County. A federal judge previously said Santos should remain in the country until the case was settled. She was released Feb. 4, three weeks after winning a restraining order against ICE. Santos says she fears being separated from her children, and is scared of her abusive father in El Salvador.

**[TX] Border Patrol Fed Pork To Muslim Detainee For Six Days**

[Huffington Post](#) [2/27/2019 4:45 PM, Roque Planas, 6834K] reports despite holding a permit entitling him to work in the United States, Adnan Asif Parveen found himself lying on the cold floor of a Border Patrol detention facility with an aluminum sheet for a blanket. For the six days he spent in Border Patrol's custody last month, he said the only food he received was a pork sandwich every eight hours. When the guards offered nothing else, he picked off the meat and ate just the bread. Customs and Border Protection declined to comment on the case, citing privacy concerns. A spokeswoman referred HuffPost to the agency's detention standards, which require its officers to "remain cognizant of a detainee's religious or other dietary restrictions." A few days after Asif's arrest, two officers with Immigration and Customs Enforcement came to interview him about possible terrorist ties, he said. It's unclear what could've prompted the questioning, other than Asif's national origin and religion ICE declined to comment on the case. Asif has no criminal record in the United States, where he's lived since 2014, according to his lawyer Cathy Potter. He says he has no record in Spain, where he was raised, or in Pakistan, where he was born. Several times over Asif's six days in Border Patrol's custody, agents presented him with paperwork authorizing his deportation to Spain and asked if he wanted to sign. The last time, Asif was visibly upset. When one of the agents asked why, Asif said he was worried about his wife back in Ohio, who struggles with her health. Asif is now locked up at an ICE detention center in Port Isabel in South Texas, his work permit set to expire this month. His arrest and looming possibility of deportation highlight how the bureaucratic complexity of the immigration enforcement system and peculiar scrutiny cast upon Muslims can jeopardize the status of immigrants even if they hold documents allowing them to work here. ICE



declined to discuss whether the agency planned to release him. ICE detention is "nothing good," he says, but it's better than his experience in the hands of Border Patrol.

**[TX] Updated Migrant Surge: Annunciation House director tells CBP to build new processing center 'now'**

[KVIA](#) [2/27/2019 7:12 PM, Saul Saenz, 19K, TX] reports that as thousands of Central American and Cuban migrants arrive in the Borderland, the space to house the migrants seeking asylum is becoming scarce. Ruben Garcia, the head of Annunciation House, told ABC-7 the Department of Homeland Security needs to build a new \$192-million Central Processing Center lawmakers approved earlier this month. Plans to build that processing center have been put on hold for now. Wednesday, Annunciation House had to tell Immigration and Customs Enforcement (ICE) it had no more room for migrants because it is already providing shelter for thousands. ICE reaches out to Annunciation House first when it plans to release asylum seekers into the community. Since Annunciation House is overwhelmed with the number of migrants it is already sheltering, ICE on Tuesday reached out to the Caminos de Vida church in the Lower Valley, dropping off an estimated 150 immigrants with only three hours notice. As many as 530 immigrants from Central America are expected to be released to shelters in El Paso Wednesday, even though hospitality shelters are already bursting at the seams. [Editorial note: consult source link for video]

**[TX] T. Don Hutto Detention Center Still Open: Controversial private prison contracts directly with ICE to house women seeking asylum**

[Austin Chronicle](#) [2/27/2019 7:00 PM, Mary Tuma, 47K, TX] reports that after mounting public pressure and several allegations of sexual abuse, Williamson County commissioners ended the county's contract with T. Don Hutto Detention Center in June, marking a significant shift in government support of the troubled immigration jail. While the contract expired at the end of January, the Taylor facility remains open, sparking protest from immigration advocates, who gathered earlier this month at a Taylor City Council meeting to voice their disapproval. The center, which holds roughly 500 mostly asylum-seeking women, is now run through a direct "short-term" contract extension between U.S. Immigration and Customs Enforcement and private prison operator CoreCivic, says ICE spokesperson Nina Pruneda. The Taylor Police Department has entered into a security agreement with ICE for the T. Don Hutto facility, a memo of understanding that transpired the same month the county allowed its contract to expire, according to open records obtained by Grassroots. Under it, the department will help Hutto with escapees and provide emergency backup for disturbances.

**[CO] Rep. Crow wants answers on Aurora ICE facility**

[Colorado Springs Independent](#) [2/27/2019 8:00 AM, Faith Miller, 11K, CO] reports an Aurora detention center for undocumented immigrants, owned and managed by the GEO Group under contract with Immigration and Customs Enforcement, has recently come under fire from activist groups and lawmakers for disease outbreaks and an under-the-radar expansion. Rep. Jason Crow, the Democrat representing Colorado's 6th Congressional District, demanded answers in a Feb. 20 letter. Crow asked Department of Homeland Security Secretary Kirstjen Nielsen to explain the number and types of disease outbreaks at the facility in the past year, and what actions ICE and GEO are taking to respond. He also asked for copies of contract documents between ICE and GEO and reports following the granting of any contract compliance waivers.



**[CO] Confirmed case of mumps reported at ICE detention facility in Aurora, state health officials say**

[Denver Channel](#) [2/27/2019 11:09 PM, Óscar Contreras, 102K, CO] reports that a case of the mumps has been confirmed at an ICE detention center in Aurora, Tri-County Health Department officials said Wednesday afternoon. Along with the confirmed case, seven other possible cases are currently being investigated by Tri-County Health Department officials, in conjunction with the Colorado Department of Public Health and Environment and U.S. Immigration and Customs Enforcement officials, according to a news release sent by TCHD. Health officials did not provide a timeline of when the contagious disease first appeared at the detention center, only saying they were made aware of about possible mumps earlier this month. Staff from the three agencies met with GEO Group, Inc. on Feb. 25 to review public health recommendations, some of which include putting in place isolation and quarantine procedures to prevent further spread of the disease at the detention center.

**[WA] Orcas resident Jesus Cora detained, released by ICE**

[HeraldNet](#) [2/27/2019 10:00 AM, Diane Craig, 55K, WA] reports a long-time San Juan County resident was detained and released by U.S. Immigration and Customs Enforcement. The U.S. Coast Guard boarded a small boat in the San Juan archipelago on Jan. 29. Traveling with the Coast Guard was a Customs and Border Patrol agent, and on board the small craft was Orcas resident and landscaper Jesus Cora, who was heading to his job on Trump Island, a job he has been traveling to and from for 10 years. Because Cora, who is originally from Acapulco, was unable to demonstrate satisfactory evidence of U.S. citizenship, he was detained and transferred to the ICE Northwest Detention Center in Tacoma. Another individual on the boat was also detained and transferred and chose to return to his country of origin rather than fight deportation. Letters attesting to Cora's character and integrity, along with swift action by the Local Immigrant Family Treasury that provided Cora with an emergency loan of \$12,000, enabled him to post bond and be released. The next step is preparation for his deportation hearing. The date has not yet been set, but it will happen sometime in the next one to three years.

**[WA] He died in the snow, cold and alone. Now, the family of a Kenyan immigrant seeks answers**

[Tacoma News Tribune](#) [2/27/2019 2:05 PM, Matt Driscoll, 66K, WA] reports Sylvia Githiri remembers the last phone call with her son. "He used to call me so often and tell me how much he loved me," Githiri says by phone from her home in Delaware. "His last words, were like, 'Oh, mom, everything is OK. I'm going to call you back, and I love you.'" But Githiri's son — 34-year-old Kelvin Ibirithi, a Kenyan immigrant — never called back. On the morning of Sunday, Feb. 10, Ibirithi's body was discovered in a snow-covered field not far from Tacoma's Sixth Avenue. Ibirithi died freezing and alone. He was homeless, so his death attracted little attention. In the days after, a survey of people who work in the businesses surrounding the field revealed no knowledge of his existence. Meanwhile, Ibirithi's family — including his father, a Kenyan asylum seeker who arrived in the United States nearly two decades ago, with his wife and sons soon to follow — repeatedly tried to get him off the street and off alcohol. Ultimately, those efforts failed, too. In 2001, Githiri flew to the United States, making a home in Delaware. He hasn't returned to Kenya since. Two years later, in 2003, Githiri was granted asylum, he says. U.S. Citizenship and Immigration Services doesn't discuss individual citizenship or asylum cases due to privacy concerns, but the Department of Homeland Security's Yearbook of Immigration Statistics shows that 122



people from Kenya applied for asylum in 2001 and 144 applied in 2003. Over the coming years, Githiri's wife, Sylvia, and three of his sons, including Kelvin, would follow. By 2007, they were all in the United States. Only Githiri's oldest son stayed behind.

### **[CA] California Immigration Detention Facilities Facing Health and Safety Issues**

[NPR](#) [2/27/2019 9:55 AM, Julie Small, CA] reports that according to a report released from the California attorney general Xavier Becerra, there are widespread problems with conditions in immigration detention facilities across the state. The report covers 74,000 immigrants held in the state detention centers over the last three years. Becerra sent teams to ten facilities that hold immigrants for federal authorities. They found that many detainees faced language barriers, poor medical care, and some are locked in their cells for up to 22 hours a day. "A lot of this is due to the fact that the federal government is not doing its job of overseeing these detention centers and enforcing its own standards for detention." Deputy attorney general Marisol León said that a juvenile detention center in Yolo County was the most disturbing for her. "To hear that youth are coming, crossing multiple borders, fleeing violence, persecution, a lot of trauma, and being re-traumatized in many ways in the center and not getting proper mental health services, that was soul crushing." Immigration and Customs Enforcement officials said that the safety, rights, and health of the detainees are of paramount concern, and all of the agency's facilities are rigorously inspected. The attorney general will continue to monitor conditions in ICE detention over the next decade. [Editorial note: consult source link for audio]

[Bakersfield.com](#) [2/27/2019 9:00 PM, Sam Morgen, CA] reports that multiple inadequacies and a lack of oversight at the Mesa Verde ICE Detention Facility in Bakersfield were found by state agencies and detailed in two reports released Tuesday. Both the California State Auditor and the Attorney General investigated the ten detention facilities in the state that house immigrants for U.S. Immigration and Customs Enforcement. The agencies reported that local governments had fallen short of their oversight responsibilities, and detainees experienced prolonged periods of confinement without breaks and difficulties with access to medical care. The Attorney General's report found that during ICE's most recent inspection of the facility, which occurred in 2016, Mesa Verde was not in compliance with 12 of 16 standards set by the federal department. Deficiencies were found in areas including food service, medical care, telephone access and sexual abuse and assault prevention. Although the last ICE inspection of Mesa Verde appears to have taken place as late as 2016, an ICE spokesperson said the agency was committed to upholding its standards. "All facilities that house ICE detainees must meet rigorous performance standards, which specify detailed requirements for virtually every facet of the detention environment," ICE spokesperson Richard Rocha said in a statement. "The safety, rights and health of detainees in ICE's care are of paramount concern and all ICE detention facilities are subject to stringent, regular inspections."

Reported similarly:

[East Bay Times](#) [2/27/2019 7:51 PM, Annie Sciacca, 62K, CA]  
[Vida en el valle](#)

### **[CA] Asylum seekers charged with smuggling El Salvador citizens**

[Washington Examiner](#) [2/27/2019 12:30 PM, Anna Giaritelli, 629K, DC] reports two asylum seekers from El Salvador were charged late Wednesday in a plot to transport two people who had illegally entered California from Mexico further into the country, according to the



U.S. attorney's office for the Southern District of California. The married couple, Edy Giovanni Fuentes-Alvarado and Kenia Yamileth Gomez-Caballero, each face 10 years in prison for allegedly trying to pick up Fuentes-Alvarado's cousin and a second person eight miles north of the border. U.S. Border Patrol agents stationed at a highway checkpoint 20 miles southeast of San Diego, Calif., intercepted the 37-year-old man and 36-year-old woman Monday afternoon when they were forced to proceed through a Border Patrol-operated immigration checkpoint on Route 94, the federal complaint stated. The Customs and Border Protection agency sets up checkpoints on highways near the border and sometimes 50 miles north of it to look over vehicles that might have picked up narcotics or people who illegally crossed from Mexico and were then picked up by a smuggler. The couple told Border Patrol agents at the checkpoint they were citizens of El Salvador but were in the country because they had an asylum case pending. They were then arrested, along with the two other people, according to the news release.

#### **[CA] Alleged Deadly DUI Driver Released From Fresno County Jail**

[KMJ Now](#) [2/27/2019 4:00 PM, Dominic McAndrew, 1K, CA] reports the man alleged to have caused a fatal DUI crash in Selma on Saturday, killing an eight-year-old boy, has been released from Fresno County Jail. Records show that Karmjit Singh left the custody of Fresno County Sheriff's Office Tuesday evening due to charges being dropped. Fresno based attorney Jeff Hammerschmidt, who is in contact with the victim's parents, said the 35 year old suspect has been transferred to the custody of Immigration and Customs Enforcement. "ICE has put a hold that's going to keep the suspect in custody, and then hopefully the DA's office will have the evidence they need to make a determination if they're able to file the DUI murder charges."

Reported similarly: [Fresno Bee](#) [2/27/2019 9:30 PM, Carmen George, 62K, CA]

#### **[El Salvador] ICE Denies Media's Claims That Camila Díaz Córdova Died After Involuntary Deportation**

[The Daily Caller](#) [2/27/2019 9:10 PM, Audrey Conklin, 867K, DC] reports that Camila Díaz Córdova was killed in her home country of El Salvador just more than a year after Immigration and Customs Enforcement had her deported from the United States, and livid activists immediately took their ire to the media. As it turns out, Camila -- known as Nelson Arquímedes Díaz Córdova on ICE documentation -- showed up to immigration court in San Diego, California, and asked to be sent home, an immigration official told The Daily Caller. After asking to return home, Díaz Córdova was deported Nov. 22, 2017, and pronounced dead on Feb. 5, 2019. Díaz Córdova, a transgender woman, was about 30 years old when she boarded a migrant caravan from El Salvador in 2017 bound for the Otay Mesa port of entry in Tijuana, Mexico. They say the El Salvador native was seeking asylum "to escape violent threats," according to Mónica Linares, director of Salvadoran transgender advocacy group Asociación Aspidh Arcoiris Trans. To get the specifics of Díaz Córdova's deportation circumstances, The Daily Caller reached out to ICE, who said in a statement: "Nelson Arquimides [Camila] Díaz Córdova applied for admission to enter the United States without proper entry documents on August 4, 2017, at the Otay Mesa Port of Entry." After an interview and inspection by officers with U.S. Customs and Border Protection, Díaz Córdova was processed for expedited removal and transferred to ICE custody. Díaz Córdova could have asked to be deported elsewhere besides El Salvador. The ICE official explained that such a request is possible if "individuals in removal proceedings can ask the judge to be



removed to a specific country, but the court would have to approve it, and that country would have to accept the person."

**{End of Report}**